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ABSTRACT

This book discusses special education for students with disabilities and the role of the principal in meeting the needs of students with disabilities. An introductory chapter lists strategies to assist principals in improving the working conditions of special education teachers, how a principal can be the chief advocate for the special education program, and how principals can enhance the inclusion of students with disabilities in general education classrooms. It also discusses how principals can improve the use of a building and make it accessible to all students and how principals can encourage the inclusion of students with disabilities in extracurricular activities. Following chapters address: (1) federal laws affecting special education, including the Individuals with Disabilities Education Act (IDEA); (2) the Individualized Education Program and the principal's role; (3) discipline of students with disabilities and requirements under IDEA; (4) evaluation of students with disabilities; (5) the history of inclusion, federal regulations governing inclusion, and the continuum of alternative placements; (6) classroom accommodations for elementary students with disabilities; (7) classroom accommodations for secondary students with disabilities; (8) due process in special education; and (9) selecting and evaluating special education staff. An appendix lists additional resources for each chapter. (CR)

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Council for Exceptional Children

A Principal's Guide

TO SPECIAL EDUCATION

DAVID BATEMAN & C. FRED BATEMAN

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A Principal's Guide

TO SPECIAL EDUCATION

DAVID BATEMAN & C. FRED BATEMAN

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This book is dedicated to the memory of Dorothy M. Faulhaber. Although she had what might be called a severe disability, she was one of the most able people we have ever known. The way she lived—dedicating all her energies toward making life better for others, while not ever seeking sympathy for herself—inspired us, and each person she touched, beyond measure.

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CHAPTER ONE

Introduction

Each year, hundreds of principals assume their jobs for the first time. They meet the challenges with a broad formal education and years of experience. They are prepared to tackle any problem related to teaching and learning, personnel selection and evaluation, financial management, community relations, and legal matters. With the support of the superintendent, they are confident that they are ready to deal with almost anything that might come along.

Soon after the first bell rings, however, many principals face one area of responsibility in their new position in which they feel less confident. They are suddenly thrust into situations in which they must be the final arbiter on matters related to strange-sounding issues such as *IEPs, 504 decisions, due process hearings,* and *IDEA compliance.*

These responsibilities are very time consuming. Moreover, there are few places to turn for help in making such new decisions, because everyone assumes the principal has expertise in these matters. Unfortunately, most new principals come to their positions less prepared than they would like to be in special education matters.

Background

Significant changes have occurred over the past decade in the provision of services to students with disabilities. Federal mandates continue to define requirements for free, appropriate public education in the least restrictive environment. The present climate of school restructuring is placing new leadership demands on all administrators, especially principals. In addition, the move to educate students with disabilities in more inclusive settings necessitates shared responsibility and school-wide collaboration among supervisors, principals, general and special education teachers, and related service personnel. To be effective, today's leaders must be knowledgeable about programs for students with disabilities and must provide appropriate support to teachers.

The Council for Exceptional Children (CEC) realizes the great pressure that many principals feel as they work with students in special education and their teachers. There is, however, a nationwide problem in the retention and recruitment of special education teachers. Realizing this, the National Clearinghouse on the Professions in Special Education (NCPSE), located at CEC, developed strategies to assist principals in improving the working conditions of special education teachers. These can be found in the publication *Retention of Special Education Professionals: A Practical Guide of Strategies and Activities for Educators and Administrators* (NCPSE, 1998). Following are some of those strategies:

- Present the attitude "I want you to be here. You are important."
- Be supportive of teacher decisions.
- Provide opportunities for special and general educators to collaborate through teams and cooperative teaching opportunities.
- Ensure that there are mentoring programs in place throughout an educator's professional development.
- Reward teachers with appropriate mechanisms.
- Treat all educators equitably.
- Be an advocate in your system to ensure that all education professionals have access to materials.
- Ensure that your paraprofessionals and instructional aides are qualified and are consistently evaluated.
- Provide time for teachers to plan.
- Provide teachers with opportunities for professional development and opportunities to work on school-wide committees.
- Evaluate your staff consistently to ensure that the job demands of a particular position are consistent with the knowledge, interests, and skills, of the employee in the position.
- Ensure that the work environment is pleasant by providing personnel with time-out space such as a teacher's lounge and ample parking.
- Provide educators with resources, including libraries and other informational materials.
- Provide staff with information and resources regarding the how-to's of school administrative policies.
- Establish yourself with a local university-based personnel preparation program in your area.

From greeting the students as they arrive each morning to attending and participating in the development of the individualized education program (IEP) for a particular student, the principal sets the tone for education in the school and community. Effective special education practices are a process that may take several years to evolve, but it will be a rewarding process for all involved.

How Can a Principal Be the Chief Advocate for the Special Education Program?

- Begin by sharing your ideals for serving all of the students in your school and community.
- Develop a school mission, a vision, and belief statements with your staff.
- Provide resources to your staff, including books, consultants, articles, speakers, and the like.
- Include a representative group of parents and teachers in developing an action plan for success.

- Investigate teacher training and staff development opportunities that focus on improving skills. Workshops on collaboration, cooperative learning, teaming, assessment, adaptations, strategy instruction, and content enhancement would be beneficial.
- Organize school-wide activities that celebrate acceptance, belonging, and diversity.
- Work hard to develop workable schedules for the staff, allowing for collaborative planning time daily.
- Try to be involved with students who have disabilities and with their families as early in the process as possible by attending child study team meetings.
- Plan to observe each student in the classroom before the child study team meeting so that you have some first-hand knowledge of the child.
- Listen to the student's family and make sure that the IEP reflects the family's priorities and goals.
- Never say "never," never say "always," and never say "We don't do that here."
- Ensure that the IEP promotes inclusion and focuses on the needs of the child.
- Keep the tasks and goals as age appropriate as possible.
- Continually ask whether the student's skills can be enhanced and supported in a regular education setting.
- Ensure that all of the teachers and support staff know their roles and the expectations set forth in the IEP.
- Do not be fearful of trying inclusive activities for the child. You are in a stronger position if you have tried to meet the needs of the family and child by documenting that you have tried to implement a program in an inclusive setting.

How Important Are Scheduling and Planning for a Special Education Program?

As with any other evolutionary process, a strong foundation must be established for special education. It is particularly important in the beginning years to place students with disabilities in classrooms with teachers who are positive, flexible, enthusiastic about trying, and caring. The principal can enhance the inclusion process by

- Providing appropriate supports to all of the staff and teachers involved with the student.
- Providing as much common planning time as possible for regular and special education teachers to help promote collaboration, coteaching, and teaming.

- Attending planning meetings periodically to observe progress and acquire new ideas.
- Experimenting with multiage classrooms and cross-curricular integration.
- Providing training opportunities for teachers to learn more about authentic assessment procedures such as portfolio assessment, projects, CBM, and CBA.
- Evaluating the mission and progress toward goals each year.

How Can a Principal Use the Facility Wisely?

As a principal, you may not have control over your building's structure; however, you can improve the use of the building by:

- Placing special education classes and teachers in the mainstream of the school.
- Making the building as accessible as possible by measuring the special equipment that students with disabilities may have. Be proactive in this regard, in order to solve any potential problems before the start of the year and to ensure compliance with both the Individuals with Disabilities Education Act (IDEA) and the Americans with Disabilities Act, which includes requirements for physical accessibility of schools and other public buildings.
- Assigning students with physical disabilities to a buddy for visiting the nurse and other school rituals.
- Teaching students how to operate wheelchairs and other equipment so that responsibility can be shared.

Where Do Extracurricular Activities Come In?

All students, including those with disabilities, enjoy participating in extracurricular activities such as sports and clubs. Many times this area is one in which students with disabilities can be more competitive with their peers.

- Ask coaches and club advisors to solicit students with disabilities for participation.
- Invite students with disabilities to choose clubs and sports that will help them feel a part of the school. Observe their participation to ensure that they are treated fairly and courteously.
- Develop school-wide community service clubs and activities in which students with disabilities can participate fully.
- Include students with disabilities in field trips, assemblies, and all other social activities sponsored by the school.
- Encourage students with disabilities to engage in recreational activities such as bowling, walking, and aerobics.

Other Things to Think About

Testing

The IEP includes provisions regarding standardized testing. As part of the IEP team, you can carefully review each student's strengths and needs to determine how he or she can participate. You and your faculty must become familiar with the testing accommodations or alternative assessments that may be required for students with disabilities. Accommodations may include procedures such as untimed testing, testing in a separate room, and reading certain tests aloud, among others.

Graduation and Diplomas

Different schools and states have different policies on graduation and the issuance of high school diplomas. Completion of graduation and diploma requirements with appropriate accommodations should be encouraged. All students should have the opportunity to participate in graduation ceremonies.

Accommodations

One of the most controversial issues in inclusive education is making accommodations in the curriculum for student success. Many teachers and parents worry that by accommodating special student needs they are "dummying down" the system. It is important that faculty and parents understand that this is not true and that meaningful access to the curriculum is one of the requirements of IDEA. It is the school's responsibility to adapt materials, instruction, and curriculum content to facilitate this access. It is important that when the school's inclusion mission statement and goals are developed this is an area of consensus. It is also important to discuss ways to report progress for students with disabilities, ways to grade students, and any accommodations and alternative assessments needed.

In the pages that follow, you will be able to explore many of these areas in greater depth. Our job as educators is to create settings and programs that will enable all students—including those who have disabilities—to maximize their chances for rich and happy lives.

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CHAPTER TWO

Special Education Law

There are several important laws guiding the education of students with disabilities. Understanding these laws will assist you in providing appropriate services in your school.

Laws Affecting Special Education

The Rehabilitation Act of 1973

The Rehabilitation Act of 1973 ensures the participation of citizens with disabilities in federally funded programs. The law authorized payment of federal funds to institutions after they comply with regulations concerning the education of students with disabilities. It also authorized withholding funds for noncompliance. Section 504 of the Rehabilitation Act is the section most commonly applied to education. Section 504 is a civil rights law intended to ensure that the education provided to students with disabilities is comparable to that provided to students without disabilities. The main component of Section 504 states:

> No otherwise qualified individual with handicaps shall solely by reason of her or his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. (29 U.S.C. Sec. 706)

This act protects from discrimination any person, including a student who meets one of the following three criteria:

> (i) has a physical or mental impairment which substantially limits one or more of such person's major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment. (29 U.S.C Sec. 706)

Any person who meets one of these criteria is considered as having a disability under this law. For the purposes of Section 504, major life activities include caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. The law protects individuals who are discriminated against both intentionally and unintentionally. Under Section 504, individuals who have a disability might need related services in order to benefit from education. Students can receive related services under Section 504 even if they are not provided any special education. Section 504 requires a written service plan, and the individualized education program (IEP) of the Individuals with Disabilities Education Act (IDEA) may be used as the Section 504 written plan. Experts recommend that a group of persons who are knowledgeable about the student convene to specify the services needed. In addition, Section 504 has provisions for nondiscriminatory employment.

The definition used for Section 504 for individuals with a disability and the descriptions of major life activities are the same as the definitions used in the Americans with Disabilities Act (ADA).

The Americans with Disabilities Act of 1990

This law expands the participation of citizens with disabilities to employment and all public programs. Although the Rehabilitation Act was passed in 1973, individuals with disabilities continued, as a group, to occupy an inferior status in our society and were severely disadvantaged socially, vocationally, economically, and educationally. Congress strengthened the law through its subsequent amendments and with the passage of the Americans with Disabilities Act (P.L. 101-336) in 1990. The language of ADA is analogous to the language of the Rehabilitation Act in this respect:

> Subject to the provision of this title, no qualified individual with a disability, shall by reason of such disability, be excluded from participation in or be denied the benefits of services, programs, or activities of a public entity, or be subjected to discrimination by such entity. (The Americans with Disabilities Act of 1990, Sec. 12132)

The Rehabilitation Act of 1973 and the ADA are important additions to lives of children with disabilities because they provide them and their families an avenue through which they can file complaints against public schools. If these complaints are valid, schools can have their federal funds terminated. A typical example is a student with a physical disability who does not require special assistance for his education and, therefore, is not classified as needing special education. However, he still meets the definition of having a disability under the three-part definition of Section 504. Under Section 504, it would be illegal to discriminate against this child regarding activities, events, or classes.

For example, the student may need an adapted computer keyboard, and adjustments in the school science lab may be needed to make it physically accessible during science club meetings after school. Determining the adaptations needed may require the services of a rehabilitation counselor. Section 504 of the Rehabilitation Act and the ADA are broader and more inclusive than IDEA. The ADA strives for "equality of opportunity, full participation, independent living, and economic self-sufficiency" (42 U.S.C. 12101, et seq., Sec. 2[a][8]) for persons with disabilities. The main purpose of the ADA is to provide civil rights to the 43 million Americans with disabilities who have been unable to access their communities and necessary services. Critics argue that the ADA prevents businesses from expanding and wrecks small business. However, its main interest is to promote equal access and freedom for people with disabilities. Others state that the ADA is an extension on the installment of a contract between individuals with disabilities, their family members, and the government for a lifetime of services and accessibility that starts with special education services received in schools. The intent of the ADA is to open more of society to people with disabilities. It is clear, however, that the ADA is changing the norms of society.

The Family Education Rights and Privacy Act of 1974

Also known as the Buckley Amendment, the Family Educational Rights and Privacy Act of 1974 (FERPA) defines who may and may not see student records

and guarantees confidentiality of student records.. Although it is not a special education law, there are several major points that are important to consider with respect to special education students.

FERPA guarantees parents or guardians the right to inspect and review their child's records and establishes policies through which parents can challenge the accuracy of student records. FERPA also establishes a mechanism through which parents lodge complaints with the U.S. Department of Education concerning alleged failures to comply with the law. Although they cannot sue the school under FERPA, they can sue under IDEA if a FERPA violation occurs in the case of a child covered by IDEA. FERPA prohibits the release of information about a student without the parent's or guardian's consent, except to those who have a legitimate right to know. People who have a legitimate right to know include staff who are involved in the student's education (e.g., administrator, counselor, school psychologist, general education teacher), correctional facilities, administrators of schools to which the student is transferring or applying for financial aid, and in emergencies, persons who act to protect the student's health and safety. Access to files must be granted to both parents unless a court order denies access to a parent. IDEA requires that states and districts establish a written policy about who will have access to student records.

As a principal, it is important to realize that all of the information obtained as a part of the assessment process to determine whether a student has a disability is to be placed in the student's file. The only exceptions to this may be the actual test protocols used by the individual administering the psychological and educational assessments. In addition, the file should include evaluation reports, IEPs, and summaries of attainments toward the IEP goals and objectives. It is best to keep a log showing access to students' records, including the names and signatures of the persons accessing the files and when the files were taken and returned. If teachers keep records of students' IEPs, assessment or evaluation information, or other educational records, they should be kept in a locked cabinet.

The important components of FERPA are that all of a student's records are located in the files, parents have access to them, they can challenge them, and the files contain confidential information. Knowing this, all school principals should be judicious about who has access. In addition, it is necessary to safeguard the files and ensure that the appropriate information remains in the files.

The Education for All Handicapped Children Act and IDEA

The Education for All Handicapped Children Act of 1975 was a groundbreaking piece of legislation for children with disabilities. It assured them a free, appropriate public education and provided states with federal funding to assist them in providing that education. Over the years, this act has been amended and expanded. Among other changes, these amendments addressed issues of concern to young children and students in transition from school to community life. In 1990, the act was further amended and was renamed the Individuals with Disabilities Education Act (IDEA). Some of the major provisions of these acts are described in the following sections.

The Education for all Handicapped Children Act of 1975

The Education for All Handicapped Children Act (P.L. 94-142) was given its name to emphasize how important it is for all children to be included. Historically, schools excluded children with disabilities because they were perceived as not being able to benefit from education or as not being "ready" for school. Congress wanted to make the point that no child was to be excluded. The main components of the law are as follows:

1. A free, appropriate public education (FAPE) for all children with disabilities. FAPE includes "specially designed instruction, at no cost to the parents, to meet the unique needs of the child with a disability" and the related services the student needs in order to benefit from specially designed instruction.
2. Procedures for identification, evaluation, and placement in accordance with a state plan. Evaluation involves the use of a multidisciplinary team to determine whether the child needs special education and related services and a written notice to the parents that contains specified information.
3. An individualized education program (IEP) with specific content developed at an IEP meeting attended by specific participants. IEPs are reevaluated every 3 years.
4. Placement in the least restrictive environment (LRE) that will meet the child's needs.
5. Due process procedures that provide impartial hearings for parents who disagree with the identification, evaluation, or placement of their child.

Public Law 94-142 provided federal financial assistance to state and local education agencies to guarantee special education and related services to children with disabilities.

The Program for Infants and Toddlers with Disabilities

In 1986, the Education for All Handicapped Children Act was amended to add the Program for Infants and Toddlers with Disabilities (P.L. 99-457), which provides grants to states for children from birth to 2 years of age who have developmental delays, conditions that typically result in delay, or are at risk of substantial developmental delay. This program was later expanded to include children from 3 to 5 years of age. As a result of the program, (a) districts need to seek out and evaluate each child with a suspected disability in their jurisdiction and (b) districts need to implement procedures to screen preschool-age children for disabilities.

Procedures for notifying parents of testing can include announcements in the newspaper as well as notices in grocery stores, gas stations, physician's offices, and churches. These notices would have dates and locations for screening to determine a child's eligibility for services before entering school at age 5 or 6. Regardless of the age of the child, school districts must identify the specific nature of a child's disability and determine the type and extent of special education and related services required. While principals do not have mandated responsibilities for child find in their school's catchement area, their involvement is considered to be helpful.

The Individuals with Disabilities Education Act

In 1990, Congress reauthorized the Education for All Handicapped Children Act of 1975 in the form of Public Law 101-476, the Individuals with Disabilities Education Act (IDEA). Congress has the responsibility of revisiting the law every 5 years to see how it is working, and to make changes when necessary. That is why, if you have been a principal for over 5 years, it seems the law is continually changing. The first significant point of the 1990 Amendments is the rewording of its title. In 1975, the law used the term "handicapped children." The new terminology, "individuals with disabilities," reflected the philosophy that the individual should be recognized first and the condition second. In addition, the new title emphasized the preference for the term "disability" over the label "handicap," which many people regarded as demeaning.

The IDEA Amendments of 1997

IDEA received a major overhaul in 1997, when it was reorganized into four parts. IDEA '97 (P.L. 105-17) retains the modifying provisions of the earlier law, while modifying some of its provisions. Among other changes, IDEA '97 increased emphasis on the participation of students with disabilities in the general curriculum and increased the involvement of general education teachers in developing, reviewing, and revising IEPs. Major provisions of IDEA as it currently stands are described in the following sections.

IDEA's Definition of Disabilities. IDEA defines children with disabilities as those who have mental retardation; are hard of hearing, deaf, speech or language impaired, visually disabled, seriously emotionally disturbed, orthopedically impaired or other health impaired, autistic, deaf-blind, or multihandicapped; or have specific learning disabilities or traumatic brain injury. The IDEA definitions are not as broad or as inclusive as the definitions put forward by Section 504 of the Rehabilitation Act of 1973. For example, individuals who are alcohol dependent could have a disability under Section 504 (they either have an impairment, have a record of an impairment, or are regarded as having an impairment—see definition above), but they would not be considered to have a disability under IDEA. The definitions under IDEA are categorical, whereas definitions under Section 504 are functional, meeting one of the three criteria for limited activities.

Identification, Evaluation, and Placement. Historically, there have been problems in the testing and placement of children with disabilities, including practices such as not testing in their primary language, not measuring adaptive behavior, or relying on a single test for classification and placement. These practices resulted in several court cases stipulating correct procedures for the assessment and classification of children with disabilities. The courts have issued guidelines stating that:

1. All children are to be tested in their primary language.
2. IQ tests alone cannot be used for the placement of children into special education programs.

3. Unvalidated tests cannot be used.
4. Parents must be notified before any testing may begin (there are procedures for bypass if parents do not consent to testing).
5. Group tests are not to be used for determining eligibility.
6. Adaptive behavior must be taken into account when considering eligibility.

In addition, the evaluation of the child must be an individualized assessment of all areas related to the suspected disability. *Individualized* means that if the child has a suspected reading disability, the focus relates to the problems in reading, or if the suspected problem is a math disability, the focus is on math. A multidisciplinary team must make the eligibility decision, with at least one member of the team experienced in the suspected disability category. The job of the team is to determine whether a child is eligible for special education and related services. Districts must also notify parents of their right to an independent evaluation at public expense if they disagree with the results or procedures of the school district's evaluation. If the team finds the student eligible, an IEP needs to be developed based on the results of the assessments.

The eligibility process is repeated at least every 3 years (every 2 years in Pennsylvania). Historically, children were placed inappropriately in special education and remained there for the duration of their schooling. Therefore, the law mandates at least a 3-year, or triennial, evaluation to determine that a child still qualifies for special education services.

After the individualized evaluation with a finding of eligibility, the team develops an individualized education program. The IEP is a legal document developed by a team of individuals describing the special education and related services designed to meet the needs of a child who has a disability. The child's general education teacher must be a member of the team, and the parents must be invited to the meeting in writing. The team details the IEP provisions in writing. It contains a statement of the child's present level of educational performance and goals and objectives based on this functioning. Specifically, it describes the following in detail:

1. A statement of educational needs resulting from the child's disability, including all needed services and support, including special education, related services, and program modifications and supports for school personnel.
2. Who will provide the services.
3. Where the services will be provided and the extent to which the student will participate with students who do not have disabilities.
4. The dates and anticipated duration of services to be provided.
5. The extent to which they are to be provided.
6. How progress toward the student's goals will be reported.
7. Modifications needed for the student to participate in state- or district-wide assessments.
8. Transition needs for students age 14 and older.

IDEA '97 specified five special factors that must be considered by an IEP team:

1. Whether the child's behavior impedes his or her learning; if so, the child must consider strategies and positive supports to address that behavior.
2. Whether the child has special needs related to language. While a child cannot be considered to have a disability solely because English is his or her second language, a child with limited English proficiency may have additional learning needs.
3. Whether the child needs braille.
4. Whether the child has special communication needs and whether the child has the skills and strategies required to meet his or her need for communication.
5. Whether the child requires assistive technology devices and services to meet his or her educational goals.

The IEP also defines objective criteria and evaluation procedures. It defines schedules for determining, on at least a regular basis (at least as regularly as students without disabilities get feedback), on progress toward IEP goals.

The IEP is more than a document outlining goals and objectives. It serves as a written commitment by the local education agency to provide the services. The IEP team decides where the child is to receive education. It describes the special education placement to be provided (this should not be decided until the IEP meeting) and the amount and location of participation with students who do not have disabilities. If a student is not going to participate with students without disabilities, documentation is necessary stating why this will not occur and when such placement might occur. If it is determined that the student cannot participate in state- or district-wide assessments, the IEP must contain a statement of why the assessment is inappropriate for the child and how the child will be assessed.

Appropriate Education

Historically, students with disabilities were placed in a disability-specific classroom whether that placement would provide them an appropriate education or not. The term *appropriate*, however, has caused confusion both before and after the implementation of the original Education for All Handicapped Children Act. What one parent, supervisor, principal, or teacher finds appropriate another might deem completely inappropriate. This term has caused a great deal of confusion relating to the education of students with disabilities.

For state and local education agencies to receive federal funding for special education, they need to show that they are providing an appropriate education for all students with disabilities in their jurisdiction. Districts demonstrate this through the development of the IEP.

The definition of appropriate education is a process definition; that is, if the district follows a certain process in the development and implementation of the IEP, then services received by the student should be appropriate. This is why it is imperative that you, as a principal, have a full and complete understanding of the IEP process. In addition, you need to become an active partici-

pant to ensure not only that the district follows appropriate procedures, but that the student receives an appropriate education. Questions you need to keep in mind in determining whether the student's education is appropriate and the process is correct include the following:

1. Was the child evaluated in a nondiscriminatory fashion?
2. Is everybody certified for his or her role in the development and implementation of the IEP?
3. Is the IEP individualized?
4. Are the necessary related services listed?
5. Are all the components for service listed on the IEP being implemented?
6. Is there clear documentation on the level of functioning of the child with a disability in comparison to the goals and objectives on the IEP?
7. Is the child receiving educational benefit from the program?
8. Are all the objectives of the IEP described in measurable terms?
9. Have the parents or guardians been involved in every step of the development of the IEP?
10. Have the parents or guardians been notified in writing of their due process rights?
11. Is the student integrated with students without disabilities to the maximum extent possible?
12. If there is no provision for integration, is there a plan for the future integration of the student with students who do not have disabilities?

The important component of the process definition is that it places the burden on professionals who develop and implement the IEP to show that it was based on correct information. Districts also need to show that it was properly developed and implemented and that proper monitoring occurred during its implementation.

Least Restrictive Environment

For many years, the term *mainstreaming* was used to describe circumstances in which special education teachers integrated students with disabilities into general education classrooms or activities. The term does not exist in any of the legislation; it is a term popularized in special education literature that has influenced debate about placement of students with disabilities. Public Law 94-142 states:

> It is the purpose of this Act to assure that all handicapped children have available to them . . . a free appropriate public education which emphasizes special education and related services designed to meet their unique needs. To the maximum extent appropriate, handicapped children, including children in public or private institutions or other care facilities, are educated with children who are not handicapped. (20 U.S.C. Sec. 1401 (b) (1)-(5))

The current trend in special education is *inclusion*. There are several differences between mainstreaming and inclusion. One notable difference is that in main-

streaming, teachers of students with disabilities work to get the students back into the general classroom after they have significantly improved their performance in the special education classroom. In inclusion, the presumption is that the student will be in the general classroom, with supports, from the outset unless it is shown that the child cannot benefit from education in the general classroom.

It is the intent of this chapter not to discuss full inclusion, but to clarify the law. The law states that "schools must maintain a continuum of alternative placements such as special classes, resource rooms, and itinerant instruction to meet the needs of the disabled." The services and location of those services are listed on the IEP. The appropriate placement for some students may be solely in the regular classroom with appropriate supports and little additional assistance from special education teachers. However, some students require residential settings, totally separated from students without disabilities.

It is often forgotten that the law stipulates that services are to be tailored to the unique needs of the individual in the most appropriate setting. It is not acceptable for students to be assigned solely those services that were designated for a particular disability or those programs that are available or convenient. Just because a student is identified as having severe mental retardation does not mean the student has to be placed in a self-contained classroom when a partial-day program or a resource room might be better suited for that child. The school district needs to have available a continuum of services including everything between the regular classroom and hospital-type settings.

Parental Involvement

Historically, parents often were shut out of the decision-making process because it was assumed that they were the cause of the child's disability (e.g., Bruno Bettleheim's theory of the causes of autism). Professionals viewed parents as ignorant of their children's educational needs and thought that educators knew what was best for the children. However, parents and guardians have essential information about their children with disabilities that is not available from any other source. Legislators realized this and outlined provisions in Public Law 94-142 ensuring parental participation in the special education process. Procedures were enumerated for notification, participation on the IEP team, access to records (see FERPA above), consultation, and participation in advisory panels.

Shared decision making protects the rights of students by ensuring that there is someone involved in the process who has a long-term interest in the child. In addition, it could be argued that what affects the student with a disability also affects the parents. Therefore, most educators regard parents as important stakeholders.

IDEA requires that parents be made aware of and consent to every step of the process. This includes the initial evaluation, the eligibility meeting, the development of the IEP, annual reviews, and the triennial evaluation process. Parents also need access to all the records kept on their child and assurances about confidentiality.

The early childhood amendments to IDEA have additional requirements for parent involvement: Districts must establish a public awareness campaign, a comprehensive child find program, and a central director of information. School systems also have an obligation to work with the family when their

child is identified as needing special education services. Early childhood personnel should start working with the family as soon as possible after the child is born, providing the child with as much assistance as possible before he or she enters school for the first time.

Schools also must develop an individualized family service plan (IFSP). While similar to the IEP, the IFSP includes a heavy family component because there is a realization that families play a vital role in the development and nurturing of their child. One component is working with the family to help them meet the needs of their child. This can be accomplished either through training of family members to carry out specific duties or by collaborating with them to determine the best methods for working with their child with a disability. The IFSP is more than just an IEP with a family twist, however; it is a multidisciplinary document designed to enhance a child's development and minimize delays by enhancing the family's capacity to meet the child's needs.

Another important component of the early childhood amendments is the realization that one service provider does not have to be the sole organization working to address circumstances for the child with a disability and his or her family members. Ideally, multiple agencies must work together to provide combinations of approaches and interventions.

Due Process

One main component of the law for children with disabilities is the opportunity for parental decision making on all the different levels affecting the child's eligibility for special education services. If parents or guardians disapprove of the methods used for determining eligibility and most appropriate educational programming for children with disabilities or if they disapprove of the resulting decisions, due process procedures allow interested parties to challenge the school system. Due process protection is guaranteed by the Fifth and Fourteenth Amendments of the United States Constitution: ". . . no person shall be deprived of life, liberty, or property without due process of law."

Appropriate notification is one essential element of procedural due process. The law is specific about requirements relating to notice. Written notice is required before the schools can propose to initiate or change, or refuse to initiate or change, the identification, evaluation, or educational placement of a child or the provision of an appropriate education. The schools also must convey the details of the proposed action and the reasons for the action.

Parents may request a due process hearing if they are not happy with any or all aspects of the procedures or the education of their child with a disability. The purpose of the due process hearing is to resolve differences of opinion between parents and school officials regarding the education, placement, or services for the child with a disability. If the parents request a hearing, a hearing officer independent of the local education agency conducts the hearing. The hearing is at a time and place suitable to the parents.

By describing the case in win-or-lose terms, a due process hearing tends to be an antagonistic process. It usually ends with both parties unhappy about the results or feeling they received less than they wanted. It is a legal procedure, and like other legal procedures, it has inherent problems. Due process hearings require an enormous amount of energy, time, and money. However,

due process procedures are an invaluable means of ensuring an appropriate education and the participation of parents in the education of their children.

Instead of due process hearings, more individuals and school systems are using another form of resolution called *mediation*. Mediation involves the use of less formal and less adversarial meetings and more negotiated settlement meetings for resolving disputes. Usually, in mediation a neutral party hears the issues and helps to find an acceptable solution. There has been a significant increase in recent years in the number of cases using mediation.

Transition

Originally under Public Law 94-142 there was no mention of transition services. The law provided access to school for students with disabilities; it did not consider issues of postschool life for these individuals.

In 1984, transition from school to work for students with disabilities became a major priority for the Office of Special Education and Rehabilitative Services (OSERS). Many individuals around the nation who had never thought of transition as a part of the function of special education now had at least heard about the need for transition services. These initiatives stressed that students with disabilities potentially could move into integrated employment in the community rather than simply into a sheltered workshop or work activity center.

Three main factors brought about the changes in transition services for students with disabilities: the lessons of history; the realization that students with disabilities were leaving a free, appropriate public education and entering the community; and the realization that students educated in special education could achieve better life outcomes.

Transition services are defined as a coordinated set of activities for a student, designed within an outcome-oriented process, that promotes movement from school to postschool activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, and/or community.

Related Services

In addition to the educational services students with disabilities receive, there are other services a child might require in order to benefit from special education. These are called *related services*. Related services include many components:

> Transportation, and such . . . other supportive services (including speech pathology and audiology), psychological services, physical and occupational therapy, recreation, including therapeutic recreation and social work services, and medical and counseling services, including rehabilitation counseling (except that such medical services shall be for diagnostic and evaluation purposes only), as may be required to assist a child with a disability to benefit from special education, and includes the early identification and assessment of disabling conditions in children. (34 C.F.R. § 300.16(a))

Just as classroom placement is individually determined for the child with a disability, the need for related services should be determined in the same manner. Finally, IDEA requires school districts to delineate on the IEP the related services needed by the child.

CHAPTER THREE

What Is an IEP, and What Is the Principal's Role?

The individualized education program (IEP) is the most important document that exists for a student with a disability. For all practical purposes, the IEP is a contract between the district and the student's parents or guardians. The IEP formalizes the student's educational needs and specifies the goals and objectives for the student for the academic year as well as the services the school will provide. The courts have held in the past that failure to develop and implement an IEP properly can invalidate a program.

Purposes of the IEP

The IEP serves many purposes. It is intended to drive instruction, communication, management, accountability, monitoring, and evaluation.

Instruction

As an instructional tool, the IEP delineates the services provided to the student. It should include a statement of the following: (a) general identification information about the student; (b) present level of functioning, with a description of the current placement; (c) recommendations from the committee that evaluated the student; (d) instructional goals and objectives, including a statement of how those will be evaluated; and (d) a statement of classroom modifications. It should also include other services the student requires. The IEP should be detailed enough that if the student transferred between districts the new teacher(s) could pick up the IEP and know exactly what was required for that student.

Communication

As a communication tool, the IEP serves several functions. The first is that of keeping all the individuals who are a part of the student's life, most notably the parents, informed about the education the student is receiving. The development of the IEP should be a truly collaborative effort (see "Developing the IEP" p. 20).

Individuals who should be involved in the IEP meeting include parents; the student, when applicable; the special education teacher or another individual who is knowledgeable about the disability; the regular education teacher (or a representative of the teachers, if the student is of secondary age); related service provider(s); others who may come into contact with the student; and a representative of the school district (usually referred to by federal

regulators as the *local education agency*, or *LEA*). The LEA representative will probably be the principal or assistant principal of the school, or perhaps the district's special education administrator. The team is involved to address the educational needs of the student. This allows individuals who are providing only one part of the educational services (i.e., occupational therapy) to have the opportunity to get an overall view of the student's strengths and needs.

Because of the 1997 amendments to IDEA, attendance of regular education teachers is required at the development of the IEP. Because an increasing number of students with disabilities are being educated in regular classrooms, this will provide all who are working to meet the needs of these students with more information to assist them on a day-to-day basis. It also provides greater opportunities for regular education teachers to understand the many facets of special education in general.

As mentioned above, the IEP provides communication to parents about the educational interventions and services provided to their child. Sitting down and meeting about what their child should learn, the methods used, and the amount of time provided to meet those needs should be regarded as an opportunity for parents to be involved in decisions about the services to be provided to their child. This does not mean that the parents can dictate what, where, and by whom these services will be provided. However, staff members should listen to the parents' wishes and knowledge of their child and work to address this information in the decisions that are made.

After parents have attended an IEP meeting they should have a clear understanding of the following:

- Why their child needs special education.
- Who will be providing the services.
- Where the services are to be provided.
- The duration of the services.
- The schedule for evaluation.
- How much time their child will spend in the regular classroom.
- What other services are going to be provided to their child, such as occupational or physical therapy, transportation, or counseling.

Management

The IEP also serves a very important function as a management device. As a principal, you should be able to read an IEP and easily understand which professionals are providing services to a particular child and for how long each day. You should also be able to read the IEP and know quickly whether or not this child needs special counseling, special transportation, an aide, or any other special accommodation. Because of this, the IEP serves an important role in understanding staff allocation.

Accountability

Another important function of the IEP is that of accountability. The IEP serves as a contract between the district and the parents, meaning that by completing the IEP the district has contracted to provide the specified services and

resources to the student. For example, if the IEP states that a student is to receive 2 hours of instruction five times a week from a special education teacher, the student must receive 2 hours a day of instruction from a special education teacher. If, instead, the student is receiving instruction solely or mostly from an aide, then the school is in violation of the contract specified by the IEP. If the student is receiving only 1 hour of instruction a day, the school is also in violation. If either one of those situations is what the student actually needs, then the IEP needs to be changed to reflect those needs. However, if the student needs 2 hours of instruction per day provided by a special education teacher, that is what is the student is to receive.

Some have the mistaken impression that when we talk about the IEP as an instrument of accountability, it means that the district will be held liable if the student does not meet the goals of the IEP. That is not what the law states, nor should it be inferred. Accountability in relation to the IEP refers to the fact that the school system is accountable for developing and updating an IEP for each student eligible for special education and for providing all the services and instruction identified in the IEP. If the student does not meet the goals of the IEP in the expected time frame, the issue is not as much accountability as it is the need to revise the IEP to better address the student's needs.

Monitoring

Another major function of the IEP is its use as a monitoring or compliance device. Principals need to learn the components of the IEP and ensure that all services are delineated appropriately in the document. When outside agencies or compliance officers from state boards of education review programs for students with disabilities, the first place they look is the IEP of each student. They look at the IEP to determine the following:

- That it has all the necessary components as required by law.
- That there is a clear tie between the goals and the objectives.
- That the specially designed instruction is connected to the evaluation data.
- That the parents have been provided a copy of the procedural safeguards.
- That an individual knowledgeable about the disability was a part of the team.
- That a regular education teacher was a part of the team.

The IEP is the "point of contact" where monitoring occurs to see whether students with disabilities are being provided a free, appropriate public education.

Evaluation

The last main function of the IEP is evaluation. Although a district most likely will not be held accountable for not meeting the goals as long as its staff have made a good faith effort, IEP goals help determine whether or not a student is making progress. This is an important point to keep in mind when writing the IEP and when it is time for the annual review. The goals and objectives should be written in behavioral terms to help assess whether or not the student has achieved them.

Developing the IEP

Before the Meeting

Before the IEP meeting, a lot of background work is required. By reviewing the documents and asking questions, the principal can not only walk into an IEP meeting with a good understanding of what the IEP should include, but also help with any questions that are asked as a part of the process. The director of special education often asks these questions, but increasingly it is the principal who schedules, assists in development, and signs off as representative of the district. Therefore, these questions are important. Even if the director of special education holds the meetings, there are two important reasons why the principal should well informed about the IEP. First, you need to be knowledgeable about the education of the students with disabilities who attend your school, so that you can make sure the school's resources are adequate. Second, you may have to step in at the last minute to conduct the meeting. You can prepare by doing the following:

1. Review the information from the multidisciplinary team. Pay close attention to the referral for testing and the academic problems that may have been presented in the past. Additionally, determine the student's strengths and weaknesses from the evaluation report. The student's strengths should form the basis for the development of the IEP.

2. Talk to individuals who were a part of the multidisciplinary team about their impressions of the education this student should receive. Also, talk to them about any part(s) of the multidisciplinary team report that either are unclear or you do not understand.

3. If there are previous IEPs for this student, review them. Specifically, look at the goals and objectives listed on previous IEPs. Compare them with the results of the evaluation reports. If possible, talk with the teachers who implemented the previous IEPs, and ask them for suggestions about what worked, what did not work, and what they might do differently.

4. Meet with the special education teacher who probably will have responsibility for implementing the student's new IEP. We say "probably" because where the student will be educated and who will be providing the services are team decisions at the IEP meeting. Get the teacher's recommendations for the education of this student.

5. Talk with current and past teachers about what has worked with this student and where there have been problems. Having this information will provide you with valuable insight into the educational programming the student should receive.

6. Look at the caseloads of the teachers and related services personnel who might be involved with this student. State boards of education have strict guidelines about the class sizes in special education classrooms. It might not be your responsibility to monitor this number; however, you will be involved in resolving problems if the numbers are too high.

7. Determine which regular education teacher at your school is most likely to be involved in the education of this student. If only the current classroom teacher will be involved and the student is going to be receiving only

resource assistance for a small part of the day, the decision is easy. If the student is in secondary school and, because of the severity of the disability, is being educated in a separate facility, then the involvement of your faculty may be unclear at this point.

8. Determine a time that is convenient to the parents, and do your best to get them involved, even if it takes several telephone calls or notices sent home. Some parents do not want to be involved in the process. Others are eager to be actively involved, or are intimidated by meeting with school staff. The law is clear that the IEP is a form of communication between the school and the parents. Therefore, not only do you have to work to get them there, but for your own protection you should also document your efforts to do so.

9. Determine a time for the meeting that is convenient for the special education teacher who is most likely to be implementing the plan. Although you have already sought the teacher's input (see item 3), you need to have the teacher present to help make decisions about what can and cannot be done in the classroom and with limited time. You might find that a different special education teacher is needed, or that the time required is too much for that teacher given his or her other responsibilities.

10. If you are at all unsure about the educational interventions and believe that the services might be either insufficient or excessive, consult your supervisor. For example, one principal acting as the representative of the district signed 32 IEPs stating that the students would have access to computers 100% of the time. Because of a due process hearing (see Chapter 9), the district had to go out and purchase 32 computers. So be sure the district can (and will) provide these things before you agree to them and sign the IEP.

11. Some districts expect a draft of the IEP to be developed before the meeting. The individual assigned to do this should be one who is familiar with the student, has knowledge about the student's disability, and is experienced at writing IEPs. If your district follows this procedure, the emphasis should be on the word *draft*. Development of draft sections of some components of the IEP is a timesaving practice. However, it is not the final process. Advise those in attendance that this is only a draft. You can make additions, delete or reword passages, or rewrite the whole document. Make sure all participants in the meeting understand that this can be done.

12. Observe the student in his or her class. Note the student's academic behavior, social behavior, and how he or she handles frustration. Observe the student's interaction with other students, where the student goes for assistance, and how well organized he or she appears.

13. Provide opportunities for observations by an individual who is knowledgeable about the disability or who might be the person who will be working to implement the IEP. Yes, this person will get to know the student after the IEP meeting, but this will help him or her in providing guidance during the development of the IEP.

14. Finally, make sure the parents are aware that they can invite someone they view as knowledgeable about their child's disability to provide assistance in the development of the IEP. (This is new to the IDEA regulations. Section 300.345(b), Participants in IEP Meeting, states that "the final regulations clarify that the public agency must inform parents of their right and that of the pub-

lic agency to invite someone to the IEP meeting who has knowledge or special expertise. This additional requirement will impose minimal burden on schools because this information could be included in other notices the schools are already required to provide to parents.)

These preparation points may seem long and involved, but each step, as a part of the information-gathering process, does not have to be long, and the steps do not have to be accomplished in this particular sequence. Many principals meet with the teachers as they are walking down the hall, standing in the lunchroom, and so forth. The important thing is to keep these questions in mind as you are preparing for the meeting.

During the Meeting

The IEP team members develop the IEP collaboratively. Therefore, you have to work to make sure you address all ideas. Following are some important points about holding the meeting:

- Participants should not feel rushed.
- "Educationese" and abbreviations should not be used, and those used should be explained without condescension.
- Ideas generated should not be belittled.
- Notes should be kept about what is said.

The first thing to do at the IEP meeting is to make sure the parents understand the definition and purpose(s) of the IEP. Explain to the parents that this is an individualized education program and that this program exists for their child only. Explain to them that a student with a similar disability very well might have different goals and objectives. Second, explain to the parents that the purpose of the meeting is to plan the special education program for their child. Third, tell the parents that you expect them to give you input about what they think is important as a part of the plan. Fourth, tell the parents that the evaluation of this plan will take place over the course of the year, and if they find that things are not working as planned, another IEP meeting could occur. Make sure you let them know that there can be more than one IEP meeting a year. (In fact, there can be one every day of the school year, but most likely that would be of little benefit to the child.) Fifth, introduce everyone in the room, letting the parents know of the different roles these individuals will play in the education of their child. Sixth, tell the parents that you are there to help guide the group through the development of the IEP. If they have questions at any time they should ask, and make sure you clarify everything. Finally, if you are presenting a draft of the IEP to the parents, tell them this draft is only a recommendation and that if they wish to make comments or offer additions or deletions, they should feel comfortable bringing those to the table.

The following are some questions that need to be addressed during IEP development:

1. Is the student blind or visually impaired?
2. Is the student deaf or hearing impaired?
3. Does the student exhibit behaviors that impede his or her learning or that of others?

4. Does the student have limited English proficiency?
5. Does the student require assistive technology devices and services?
6. Does the student need transition services?
7. Will the student be 14 years of age or older within the duration of this IEP?
8. Is the student within 3 years of graduation?
9. Will the student potentially qualify for extended school year (ESY) services?
10. Does the student need adaptive physical education?
11. Are there any related services that the student needs?
12. Will the student participate in statewide assessments?
13. What is the student's present level of performance?
14. What are the academic areas in which the student needs assistance?
15. What are the social or emotional areas in which the student needs assistance?
16. How much time will the student spend in the regular classroom? If he or she is not going to spend time in the regular classroom, how will the student interact with peers who do not have disabilities?
17. When will the IEP be evaluated? Every IEP must be evaluated at least annually. However, parents also need to be aware of how their child is doing in relation to the IEP goals as frequently as parents of children without disabilities are. This means that if other students in the school get a report card every 9 weeks, then the students with disabilities should get a report every 9 weeks on how they are doing in relation to their IEP goals.

Some parents will come in to the meeting and say, "Where do I sign?" These parents may not want to spend the time in the meeting. They trust the district, or they have been through the process so many times, and they are tired of the same meetings with the same people. Whatever the reason, they should still be encouraged to stay long enough to give the school staff the assurance that they understand what is going on.

On the other hand, there might be parents who know special education law better than the attorney for your district does, and they have been living with the law for many years. Alternatively, they might bring an advocate along with them to help them make sense of the meeting. Some principals are afraid to have an advocate present. However, the parent may have brought the other person to help him or her understand better what is being recommended and decided. Keep in mind that parents just want the best for their child. If you have answered all of the questions just listed, have talked with the individuals who are active in this child's life, and have a clear understanding of the report issued by the multidisciplinary team, you should be prepared. The purpose of the IEP committee is to work to meet the student's needs based on the report generated by the team. The principal should make every effort to keep everyone focused on that.

This might not sound like a time-efficient strategy, but you need to keep in mind that it might take more than one session to complete the IEP. However,

while keeping this in mind, you need to assist in running the meeting as efficiently as possible. Keep the participants focused on the goals and objectives included in the IEP. Do this while talking about what has worked during the past year and about the changes for next year's IEP.

Finally, consider the location of the meeting. Some parents will want to the keep the proceedings as confidential as possible, while for others that is not a problem. If you hold the meeting in an office in which there might be questions of privacy, think about shifting the location. Make sure that all participants have the opportunity to sit in comfortable chairs, that water is provided to the attendees, and that a break is provided if the meeting takes over an hour. Make sure the room is as free from distractions as possible, such as a ringing telephone, a fax machine, or a copy machine in use. In addition, if there are individuals who cannot be present but might be able to participate by telephone, you should try to set up a speaker telephone to facilitate their involvement. Because the development of the IEP is a team process, use a chalkboard or easel with paper to generate ideas that can be beneficial to the student. Finally, if possible, make it easier for teachers to participate by arranging to cover their classes.

Record-keeping during the meeting is an important part of the process. This will provide you with a more accurate coverage of what transpired, and it may come in handy in the event that there is some disagreement about what was actually agreed to at the meeting.

After the Meeting

Getting the IEP signed by all the parties who will be working with the student is an important part of the process. However, the most important part of the process is to make sure that the IEP is working to meet the student's needs.

Make sure the teachers do not view the meetings as punitive or paternalistic, but as a means of checking the progress of the student. Changes that need to be made may include additional time and services, or reduced time and services, to meet the student's needs more appropriately. The following list provides some reminders of necessary steps after the meeting to ensure the proper implementation of the IEP. Someone should document all of the steps with at least a brief summary of the conversations that you have had with the teachers and the dates of the meetings.

1. Make sure the parents receive a signed copy of the IEP.
2. Provide copies of the IEP to the teacher(s) who will be working to implement the IEP.
3. Talk with each of the teachers in your building who are working to implement IEPs monthly about every student. Check to make sure the students' needs are met.
4. At least once every 9 weeks sit down with the special education teachers and determine whether the students with IEPs are making progress toward their IEP goals.
5. Ensure that notices are sent home to the parents about special educations students' progress on IEP goals as frequently as the other students are getting report cards.

6. If a student is not meeting the goals of the IEP, or if changes appear to be required, arrange for another IEP meeting as soon as possible.

IEPs from Other Districts

If a student arrives at your school with an IEP from another district, you are obligated to implement that IEP with the staff you have. This makes planning difficult. Even if your district is not well financed and has many families with children needing significant levels of service, you still are required to meet the needs of all these students.

When a student brings an IEP to the district, you must convene an IEP meeting for this student. The IEP the student brought is valid until a new IEP is developed. You need to take the information that was in the previous IEP and use that to assist in development of the new IEP.

Working with Parents

As was stated previously, you have to make concerted attempts to involve the parents in the process. If you are going to hold the IEP meeting without the parents, you need to document the steps you took to involve the parents. Recommended documentation includes the following:

1. A record of the phone calls made or attempted, when they occurred and by whom, and any results of those calls.
2. Copies of any letters or notes sent to the parents regarding the meeting, with a description of responses.
3. A record of visits to the home or place of employment. If you cannot reach the parents through the telephone or they not responding to the letters or notes sent home, then visit them and keep a record, including descriptions of time, date, who was contacted, and the results of any conversations about the upcoming meeting.

In addition, make every effort to ensure that the parents understand what is going on during the meeting. This may include providing an interpreter for parents who use sign language or for parents whose preferred language is not English. Take time during the meeting to make sure the parents understand the process, the terminology, and where their child will be educated and for what purpose.

What If the Parents Do Not Sign the IEP?

There are many reasons why parents might not sign an IEP. They might not believe in special education, they might not want their child pulled out of the regular class, or they might want more educational interventions than those the district has proposed. This does not happen very often, but when it does, the following discussion will provide you with some solutions.

If a parent does not sign the IEP, the district has several choices. An important point to remember is that the parents may have a very good reason for not signing the IEP. The first thing to do is to determine why the parents have refused to sign the IEP. The reasons for their actions will steer your next steps and will help your district in making decisions about the next steps.

If the parents refuse to sign the IEP because they feel their child does not have a disability, there are several important steps to take. First, tell the parents a multidisciplinary team meeting determined that their child does have a disability. Second, explain that the purpose of this meeting is to develop the education program based on the decisions made at that meeting. If the parents are unhappy with the results of the multidisciplinary meeting, tell them they have the right to an independent evaluation that might assist in providing information about the school-related problems their child is having. For more discussion on issues related to independent evaluations, see Chapter 5.

If the parents refuse to sign the IEP because they do not want their child sent to the "special" class, explain to them the reasoning behind the use of a teacher in a resource or self-contained setting. In addition, analyze the structure of how you are providing services to students with disabilities. Can the same services be provided to the student (and others who might be having problems) in the regular classroom? Is a separate location necessary? For more information about ways of analyzing issues relating to inclusion, see Chapter 6.

If the parents do not sign the IEP because they feel you are not providing enough of the special education interventions they think are necessary, you need to explain to them the rationale behind your recommendations. If you are recommending that their child spend only part of the day with a special education teacher, tell them that the purpose of the law is for students to receive education with their peers without disabilities to the maximum extent possible. If the student is receiving his or her education in a self-contained classroom and the parents request a more restrictive setting, describe the rationale behind the class being located in the regular school. Explain to the parents that if there are problems in this placement, a change to a more restrictive setting can occur during the school year. Again, if the parents do not sign the IEP, analyze the educational interventions and services you are recommending for this student. Are they appropriate?

If you cannot reach agreement, use the previous IEP, assuming there is one. If there is no IEP, is there any agreement? For instance, there might be agreement that the student needs speech therapy on a regular basis but no agreement on whether assistance for reading is necessary. If this is the case, then write an IEP for the areas of agreement, listing areas of disagreement. Then work to implement that IEP.

If disagreements exist over major issues, remind the parents of their right to mediation, complaint, or a due process hearing. The district has the same rights. See Chapter 9 for more information on mediation and due process. An important point to remember about implementation of the IEP if there is an ongoing due process hearing is that the old IEP or the IEP to which they agreed is the IEP that is in place pending the hearing officer's decision. For instance, if the student is placed in the regular classroom and a disagreement exists over placement, the child is to remain in the regular classroom until the final decision, unless there is some other agreement by the parties. This would also hold true if the student were in a special school before the discussions of the new IEP; he or she would stay there until the final decision by the hearing officer. This is true even if the decision takes months to reach. IDEA Section 300.526, Placement During Appeals, states:

(a) General. If a parent requests a hearing or an appeal regarding a disciplinary action described in Sec. 300.520(a)(2) or 300.521 to challenge the interim alternative educational setting or the manifestation determination, the child must remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period provided for in Sec. 300.520(a)(2) or 300.521, whichever occurs first, unless the parent and the State agency or local educational agency agree otherwise.

(b) Current placement. If a child is placed in an interim alternative educational setting pursuant to Sec. 300.520(a)(2) or 300.521, and if school personnel propose to change the child's placement after expiration of the interim alternative placement, the child must remain in the current placement (the child's placement prior to the interim alternative educational setting), during the pendency of any proceeding to challenge the proposed change in placement, except as provided in paragraph (c) of this section.

(c) Expedited hearing.

(1) If school personnel maintain that it is dangerous for the child to be in the current placement (placement prior to removal to the interim alternative education setting) during the pendency of the due process proceedings, the LEA may request an expedited due process hearing.

(2) In determining whether the child may be placed in the alternative educational setting or in another appropriate placement ordered by the hearing officer, the hearing officer shall apply the standards in Sec. 300.521.

(3) A placement ordered pursuant to paragraph (c)(2) of this section may not be longer than 45 days.

(4) The procedure in paragraph (c) of this section may be repeated, as necessary.

Involving Students

Students 14 years of age or older need to be involved in the development of their IEP. Why age 14? This is the age that the regulations state we must start to develop a transition plan as a part of the student's IEP. A transition plan is the enumeration of the steps and goals for the student's postsecondary life, as well as the specific methods to assist the student in achieving those goals.

Section 300.344(b), "Including the Child in the IEP Meeting," requires the school to invite students to participate in IEP meetings if the meetings will include consideration of transition services and needs. The effect of this provision is to give 14- and 15-year-old students, and in some cases younger students, the opportunity to participate. The existing regulations have required schools to invite students into the discussion about transition services. These would include all students aged 16 years and older, and in some cases younger students. The law has also given other children, if appropriate, the opportunity to participate in the IEP meeting. Therefore, in some cases, 14- and 15-year-old students may be participating already. The costs of notifying students about a meeting or trying to accommodate the students' interests and preferences are more than justified by the benefits.

Components of the IEP

The federal regulations are specific about what needs to be included as a part of the student's IEP. Your state may have additional rules or regulations as a part of the process, but it at least needs to state:

1. The present level of performance.
2. The measurable annual goals.
3. The benchmarks or short-term objectives.
4. The specific special education program and related services that will be provided to the student.
5. The extent to which the student will participate with students without disabilities.
6. A statement about modifications (if any) of district-wide and state assessments.
7. The dates for beginning the services and the expected duration.
8. If the student is 14 years of age or older, a statement about needed transition services.
9. How parents will be notified about progress.

Present Level of Performance

The first component is that of the present level of performance. This is also often the first item of business addressed in an IEP meeting. If the participants can agree to the student's current level of functioning, then movement toward the annual goals and short-term objectives will be much easier. The present level of performance should be statements describing the academic and/or behavioral levels of the student so the members of the IEP team can understand why this student needs an IEP. These statements might include the academic areas in which this student has problems, the student's strengths, areas in which the student might need assistance in mobility or daily living, and a description of prevocational or vocational skills. The use of test scores is appropriate, but not solely by themselves. If test scores are used, such as a grade equivalent score on the Woodcock Reading Mastery Test of 4.5, some explanation is required to clarify the strengths and weaknesses the student exhibits. In addition, some explanations are required to explain the grade equivalent of 4.5. The use of curriculum-based measures is encouraged; however, descriptors are needed of where these measures are taken and what the scores really mean. For example, stating that the student is on "Level 8" may mean nothing to others who might be working to implement the IEP.

It is all right to use a label such as *learning disability* or *mental retardation*. However, it is not all right to use those labels in place of the descriptors listed above. There should be a statement of how the student's progress relates to the general education curriculum.

Finally, when writing the present level of performance, write the statements as a means of helping the student. Students with disabilities often are highly transient. Write the present level of performance so that other school staff can look at the IEP and will be able to make the following two statements:

1. I really know this student's level of performance, and knowing this will make implementing this student's IEP easier in my district.
2. The individual who led the meeting in the development of the IEP really knows his or her information.

If the forms your district is using are too small to include all of the information listed above, add additional sheets. You really will benefit the child by including as much as you can.

Where does the information for the present level of performance come from? It should come directly from the report issued by the multidisciplinary team. It should also come from the answers you elicit before the meeting from members of the multidisciplinary team, from previous classroom teachers, and from observations you (and others) have made of the student in the classroom.

If you need assistance in determining present level of performance from the report written by the multidisciplinary team, make sure you ask questions prior to the IEP meeting. For instance, if you are going to be writing that the "DTLA-3 states there is a discrepancy in his reading," and someone asks you what the "DTLA-3" is and what it measures, make sure you can answer. As suggested earlier, you should try to avoid using terms that noneducators would find confusing.

Measurable Annual Goals

A good recommendation is to have an annual goal for each problem area. The annual goals are the broad areas in which the student might need assistance, such as reading, math, or writing. It does not list the specifics that will be included under the annual goal. Those are under the short-term objectives or benchmarks (see below).

Typically, the annual goals are the second item of business of the IEP meeting. They become the broad areas of agreement that the team needs to address. This assumes that there is agreement. If there is no agreement, then see the section "If Parents Do Not Sign the IEP" earlier in this chapter. Work to get agreement on the broad annual goals before moving on to other parts of the meeting.

The annual goals come not only from the multidisciplinary team report, but also from interviews of previous teachers and current teachers, observations, and parents' statements of needs. Refer to the earlier descriptions of the present level of performance, and use those as you develop the IEP.

Short-Term Objectives or Benchmarks

After you have agreement on the present levels of performance and on the annual goals, develop the short-term objectives or benchmarks to meet those annual goals. The development of the short-term objectives or benchmarks also clarifies the services the student should be receiving.

Where do the short-term objectives or benchmarks come from? They come directly from the present levels of performance and the service that the student needs to meet their goals. For example, if a sixth-grade student has average intelligence and is reading at the second-grade level with errors and little comprehension, an expected service for him might be a highly structured

program with tutoring 5 days a week. Knowing this, you can then develop the annual goal of improving the student's reading to the fourth-grade level with 0 to 3 errors per 100 words. From here, you can then develop the short-term objectives that will occur by the end of November, the end of February, and the end of May. These short-term objectives build upon themselves and are a monitoring device (see "Purposes of the IEP" at the beginning of this chapter).

An important part of the short-term objectives is the inclusion of evaluation procedures, criteria, and a schedule. Following our earlier example, if a student is expected to meet a goal by the end of November, then there also needs to be progress monitoring addressing the goal.

Short-term objectives should include the following:

1. A statement tied to the annual goals of the instruction.
2. How the intervention will be provided.
3. A description of the criteria for achieving the objective.
4. When evaluation will occur.

The important function of short-term objectives or benchmarks is that they allow the teacher and the parents to know whether the student is making progress. *Short-term objectives* is the historical term for the steps under the annual goals. In 1997 the IDEA Amendments changed the term to include *benchmarks* to emphasize that the short-term objectives or benchmarks are steps to the student's achieving his or her annual goal.

One final note is needed about short-term objectives or benchmarks. They are changed during the course of the year if the benchmarks either are not attained or are attained too quickly. The reason for the monthly meetings is to be able to make changes to the IEP when necessary instead of waiting until the end of the year and then talking about which benchmarks were inappropriate.

A potential part of your administrative task with special education teachers is keeping track of the number of contact hours the teachers have with students and the number of students for which they are responsible. You can do this by reviewing this part of each student's IEP.

Every IEP should list the specific services provided to the student. This should include a list of (a) the special education services that are to be specifically provided to the student, (b) the related services necessary for the student to benefit from special education, and (c) supports or modifications to be found in the general education classroom. As a part of each of these categories there should be statements of the location of the services the student is expected to receive, the number of hours per week, and when the services will end. This list should be clear to all of the attendees of the meeting and any other individual who might read the IEP if the student were to move to another district.

Related Services

Related services are the educational services and interventions necessary for the student to benefit from education. Examples of required related services can include, but are not limited to, special transportation, speech therapy services, occupational therapy services, and physical therapy services. Recently, the Supreme Court reaffirmed the necessity of related services and defined related services as those performed in the school, but not those performed by a physician.

The requirements regarding services to help the child progress toward the identified goals reinforce the emphasis on progress in the general curriculum. They also increase, to the maximum extent possible, the extent to which children with disabilities are educated with children without disabilities. Section 300.347(a)(3) requires that the IEP include:

> a statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child— (i) to advance appropriately toward attaining the annual goals; (ii) to be involved and progress in the general curriculum . . . and to participate in extracurricular and other nonacademic activities; and (iii) to be educated and participate with other children with disabilities and nondisabled children in [extracurricular and other nonacademic activities].

The Extent to Which the Student Will Participate with Students Without Disabilities

All students' IEPs must include a statement about how much time they will participate with students who do not have disabilities. This is a new requirement in the past couple of years; it was included in part to encourage participants in the IEP process to think more about how students can be included. For a greater discussion of issues related to inclusion, see Chapter 6. The regular classroom is the presumed placement for students with disabilities, unless it can be shown they would benefit from being placed in a different setting. Participation with students who do not have disabilities can include extracurricular activities, social outings, and before- and after-school activities. Section 300.347(a)(4) requires that each child's IEP include "an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in [extracurricular and other nonacademic] activities . . . ." This is consistent with the least restrictive environment (LRE) provisions at Sections 300.550 through 300.553, which include requirements that:

(1) Each child with a disability be educated with nondisabled children to the maximum extent appropriate (Sec. 300.550(b)(1));

(2) Each child with a disability be removed from the regular educational environment only when the nature or severity of the child's disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily (Sec. 300.550(b)(1)); and

(3) To the maximum extent appropriate to the child's needs, each child with a disability participates with nondisabled children in nonacademic and extracurricular services and activities (Sec. 300.553).

All services and educational placements under Part B must be individually determined in light of each child's unique abilities and needs, to reasonably promote the child's educational success. Placing children with disabilities in this manner should enable them to meet high expectations in the future.

Modifications of District-Wide and State Assessments

In IDEA '97, Congress amended the law to specify that all students with disabilities must participate in district-wide and state assessments. However, some students need modifications or accommodations in order to participate. When accommodations are necessary for a student to participate, write them into the IEP. Examples of testing accommodations include reading the test aloud (in subjects other than reading), offering extended time, or testing in a separate room. The rationale behind this provision of the law is to include students with disabilities in the general student population when high-stakes testing is conducted. This, in turn, motivates school systems to provide meaningful access to the curriculum for students with disabilities, which is another requirement of IDEA '97.

Consistent with Section 300.138(a), which sets forth a presumption that children with disabilities will be included in general state and district-wide assessment programs and provided with appropriate accommodations if necessary, Section 300.347(a)(5) requires that the IEP for each student with a disability include

> (i) a statement of any individual modifications in the administration of State or district-wide assessments of student achievement that are needed in order for the child to participate in the assessment; and (ii) if the IEP team determines that the child will not participate in a particular State or district-wide assessment of student achievement (or part of an assessment of student achievement), a statement of--(A) Why that assessment is not appropriate for the child; and (B) How the child will be assessed.

Some students, even with modifications, cannot participate in these tests. In these cases, often for students with more severe disabilities, the IEP should specify a suitable alternative assessment. You need to describe the alternative forms of assessments that will be used instead of the district-wide or state assessments. One example of an alternative assessment might be a normative individual assessment.

Dates for Beginning the Services and Their Expected Duration

IEPs need to be developed within 10 days after the multidisciplinary team meeting (check your state guidelines for specifics). There are, however, times when it is not possible to write the IEP within that period because of parents' travel, holidays, and other circumstances. If this occurs, you need to document reasons for the delay in the writing of the IEP and work to get it written as soon as possible. The student cannot begin to receive special education services before the IEP is signed.

If a child moves into your district with an IEP, use that IEP until you develop a new one. You do need to rewrite the IEP for the specifics of your building and your personnel, and the new IEP should be written within a week after you receive the old IEP. However, you cannot change the education and interventions provided to the student just because he or she is now attending your school. For instance, you cannot take a child who was receiving services for a learning disability in a self-contained day school in the previous district and switch him into the regular classroom with only intermittent supports.

The IEP must also include the duration of the services. Many IEPs list the duration of the services as "until the last day of the school year." IEPs need to be reviewed annually, and some IEPs have been written for a calendar year. However, unless you expect this student to receive extended school year (ESY) services, you should write the IEP to extend to the end of the academic year. Always consider whether the student would need ESY services, and make a note on the IEP about the fact that you considered them for this student.

Transition Statement

If the student turns 14 during the year covered by the IEP, a statement needs to be included about the steps necessary to get this student ready for post-high-school life. Three main factors brought about this requirement in transition services:

1. The high unemployment rates for individuals with disabilities.
2. The realization that students with disabilities were leaving a free appropriate public education and entering a system where their rights and the supports provided to them were much more limited.
3. The realization that students educated in special education were not achieving desired outcomes in employment and other aspects of success in adult life.

In IDEA '97, the term *transition services* means a coordinated set of activities for a student, designed within an outcome-oriented process, that promotes movement from school to postschool activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, and/or community participation (20 U.S.C. 1401(a)(19)).

The changes in the law have brought about important changes in school practice:

1. Parents and school personnel are thinking about what is going to happen to students after high school before the students get to the final year.
2. Schools now have to think about who will be responsible for working with students after the students leave school.
3. Schools have to communicate and collaborate with external agencies in planning for students.
4. Schools are now starting to be held accountable for preparing students for postschool life.
5. Planning for transition for students with disabilities is starting at a younger age (elementary), which is a benefit to all concerned.

There are many types of appropriate transition programs. Each needs to be individualized, reviewed annually, and revised if necessary. Some examples include vocational education, supported employment, talking with college counselors, meetings with group home staff, and the like. The program selected depends on the needs of the student.

Notification of Parents

Another main component of the IEP is the notification to parents of the student's progress. Notify parents of children with disabilities about progress on IEP goals as frequently as you notify parents of children without disabilities about their children's progress. This means that if parents of students without disabilities receive a report card every 9 weeks, parents of children with disabilities must receive notice of their progress toward IEP goals every 9 weeks. This is so even if students with disabilities also receive report cards.

Examples of notice of progress toward IEP goals can include statements of the particular goals a student might have, with progress notes. Progress notes could say that the goal is met, or the goal is being addressed, or the student is at X% competency, or that the goal has not yet been attempted. Not every IEP goal would necessarily be addressed during each marking period.

The important point about including statements about goals is further reinforcing the IEP as a method of accountability. If the IEP states that certain goals will be addressed by a certain date, and progress is not forthcoming, this will serve as a means of facilitating decisions about whether there should be a revision of the IEP. In addition to the monthly meetings that you have with the special education teacher about the students' IEP goals, review the notices sent home about the IEP goals and the progress made toward achieving them.

CHAPTER FOUR

What Does a Principal Need to Know About Discipline of Students with Disabilities?

by Kevin Koury

Principals are responsible for enforcing discipline for all students and maintaining a safe school environment. In light of recent media events and societal issues, principals must respond immediately to inappropriate student behaviors that disrupt the learning environment and/or pose psychological or physical harm to others. In addition, it is the principal's responsibility to ensure that drugs and weapons are not brought onto school premises. If a drug or weapons violation occurs, principals are responsible for reporting this to law enforcement agencies.

Fortunately, there are promising practices, student supports, and program options available to help principals maintain a safe school environment and deter inappropriate behavior. Many states are adopting safe school curricular program options, affective curriculums, and mental health services within schools.

Many of these changes have some research support for their effectiveness in deterring aggression and promoting appropriate behavior, and more continues to be learned about effective methods of achieving these goals. Many schools and law enforcement agencies have initiated collaborative relationships outlining details and procedures for crisis situations. These collaborative relationships involve (a) generating plans for dealing with crises immediately, (b) instituting procedures for identifying early warning signs of a crisis, and (c) establishing a course of action when a crisis is imminent. The collaborative effort seeks to establish a proactive prevention model for maintaining safe schools.

The principal should have a variety of disciplinary options beyond simple procedures, such as suspension or expulsion, to meet the challenges of maintaining a safe school. These options should be a part of a school-wide framework whereby the principal also maintains and protects the rights of the entire school.

Within the operating framework, the principal needs to know the federal and state laws governing the education of students with disabilities. The 1997 Amendments to the Individuals with Disabilities Education Act (IDEA '97) specify certain services and procedures that must be used in disciplining students who are receiving special education services. The states also have their own requirements for establishing, implementing, and evaluating school dis-

cipline. Principals have the responsibility of ensuring that these requirements are met in their schools in ways that meet the needs of the students in question and the school as a whole.

To a large extent, the principal depends first upon teachers to manage their students' behavior. Typically, teachers design their own management systems in the form of stated and posted rules with accompanying consequences, penalties, or punishment for rule infractions. Other discipline systems and techniques encourage positive behavior by "catching" students being good and then recognizing them for their good behavior. However, the positive component may not be addressed consistently in many classroom management plans.

IDEA '97 mandates that behavioral intervention be positive in nature. Recently, some classrooms and entire schools have incorporated systems of positive reinforcement for group or individual demonstration of desirable behavior. Behavior management systems that only reward appropriate behavior fall short of providing true positive behavioral support for students. Good behavior management systems should support the student in conjunction with shaping appropriate behavior patterns.

The principal must deal with a student directly when a classroom teacher determines that the student's behavior is unmanageable within the classroom. This may be due to several factors:

1. Exhausting the hierarchy of penalties.
2. Lack of consistency in applying consequences.
3. Displaying behavior that is disordered enough to require individualized approaches.

The principal's role as disciplinarian is critical within the school-wide management system and after a student fails to make meaningful progress within a classroom management system.

Sometimes schools develop more global approaches using an adapted or modified classroom system that makes the principal responsible for implementation. The principal should take an active part in any plan developed to ensure that it complies with federal and state policies. The development of a school-wide system of behavior management may require the principal to initiate collaboration among various school personnel to ensure that the system includes a variety of interventions and preventive features. A school-wide discipline policy consisting merely of removal procedures does not meet the school's needs or the requirements of IDEA '97.

IDEA and Associated Policy

The principal must be aware of how administration of any school-wide or individualized plan of action regarding a student's behavior may be considered a violation of IDEA '97. First, the principal is required to administer discipline according to the components of the individualized education program (IEP) if there are behavior stipulations. The social, emotional, and behavioral needs of students with disabilities vary greatly. Many students with disabilities receive appropriate support through the classroom management system and the

school-wide discipline system. Occasionally, however, students with disabilities require individualized behavioral support going beyond components outlined within classroom and school-wide systems. Therefore, the principal must examine the stipulations and supports delineated within the IEP to maintain a free, appropriate public education (FAPE). In addition, when the suspension or expulsion of a student with an IEP is considered, the principal must make sure that the requirements of IDEA '97 are met. With respect to the discipline of students with IEPs, these requirements are as follows:

- No student with a disability can be denied continuing educational services due to behavior. Schools must continue to provide educational services for students with disabilities whose suspension or expulsion constitutes a change in placement (usually more than 10 days in a school year).
- Schools have the authority to remove students with disabilities to appropriate interim alternative educational settings (IAES) for behavior related to drugs, guns, and other dangerous weapons for up to 45 days.
- Schools are permitted to suspend students with disabilities for up to 10 school days to the extent that such alternatives are used for children without disabilities.
- The IEP team is required to conduct a "manifestation determination" once disciplinary action for a student with a disability is contemplated. The IEP team must determine—within 10 calendar days after the school decides to discipline a student—whether the student's behavior is related to the disability. If the behavior is not related to the disability, the student may be disciplined in the same way as a student without a disability, but the appropriate educational services must continue.
- School personnel are permitted to report crimes allegedly committed by students with disabilities to law enforcement authorities.

States and school districts have guidelines for adhering to these requirements, based on the federal regulations.

The principal's expertise regarding discipline systems within the school should become a resource not only when behavioral problems occur, but also during the IEP planning stage. An informed principal can help design positive behavioral supports that align and integrate the existing behavioral expectations within the school, and assimilate the program into existing supports within the school.

The school principal has a unilateral disciplinary option when a student with a disability misbehaves and the misbehavior warrants removal from the school. Suspension can be used as an option even when the misbehavior is related to a student's disability. However, it is important to adhere to the limits at the principal's discretion. During the school year, a principal must not exceed the 10-day limit of removal of a student with disabilities. The 10-day rule affords the principal discretion to administer school-wide discipline to all students equally. The principal must grant a student with disabilities the same rights granted any student without disabilities during short-term suspension periods. Therefore, it might be wise to develop a system wherein the 10-day

period would be enough to span the entire school year (i.e., reduce the suspension time intervals to shorter periods and require parental and/or professional input). When the cumulative total of days a student with disabilities is removed from school reaches 10, further removal is considered a change of placement. This can be accomplished only by reconvening the IEP team to consider the change of placement.

Usually an action requiring a change-of-placement meeting is a removal to an interim alternative setting for a period of up to 45 days. As stated previously, all components of the IEP must be continued in this placement, and the behavior that initiated the removal becomes the focus of the IEP committee efforts to address the specific behaviors related to the student's removal. Specific behaviors requiring removal to an appropriate interim alternative educational setting are mentioned in IDEA.

The principal is still authorized to remove students from the school for behavioral reasons. However, the removal of students with disabilities must be consistent with the practice of removing students without disabilities; the removal must include assignment to an appropriate interim alternative educational placement; and the removal must not exceed 45 days. Student behavior that constitutes cause for the removal includes (a) bringing a weapon to school or a sanctioned school function and (b) possessing, distributing, or selling drugs or other controlled substances at school or a sanctioned school function.

Placement in an appropriate interim alternative educational setting is also permitted if, after a due process hearing, a student has been determined to be a danger to self or others. In all cases, this placement may continue for additional 45-day periods if it is requested, there is no objection, and it is determined to be the best placement due to circumstances surrounding the individual student.

After an appropriate interim alternative educational placement has been decided upon, the school must complete a functional behavioral assessment within 10 business days. The guidelines to be considered include information regarding school-wide efforts to minimize the threat within the current placement as well as the appropriateness of the interim placement to provide FAPE. There must be access to the general curriculum as stipulated in the IEP and provision of an environment conducive to accomplishing goals set forth in the student's existing, modified, or new behavioral intervention plan.

The functional behavioral assessment is used to plan and then implement behavioral intervention supports for the student with disabilities. The behavioral intervention support plan, when developed by the team, becomes part of the student's IEP. As a component of the IEP, this plan must be in compliance with all the requirements of IDEA '97. Any action by the principal that may be considered a change of placement requires reconvening the IEP team to establish the correct placement for the student.

The principal should ensure that a behavioral support intervention plan is in the IEP and in place for students removed to an interim placement. If the student already has a behavioral support intervention plan, then the IEP team must reconvene to analyze the appropriateness of the plan, along with its implementation, in light of the behavior that resulted in the student's removal. After the plan is evaluated and implemented, the team must modify or adjust it to meet the needs created by the misconduct, the new alternative interim placement, or events leading to the action resulting in the student's removal.

Principals need to understand that IDEA '97 enables administration of school-wide discipline plans, including options for immediate response to crises involving drugs, weapons, or danger of physical harm. The law is constructed to ensure proper administration and maintenance of a safe school environment. An effective school-wide discipline plan should be designed to comply with the provisions of IDEA, allow for positive behavioral supports, administer sanctions equally and without excess, and ensure a safe learning environment for all students. Within this structure the principal needs a working understanding of the definitions of illegal drugs, controlled substances, and weapons. These terms are found in policy statements in the *Federal Register* and are as follows:

1. A controlled substance is a substance that is listed as such under the federal Controlled Substances Act.
2. An illegal drug is a controlled substance. Possession is legal if it is prescribed and used under the direction of a licensed health care professional, or is possessed/used legally under other provisions of the Controlled Substances Act or any other provision of federal law.
3. A weapon is a device, instrument, material or substance, animate or inanimate, that is used, or is readily capable of, causing death or seriously bodily injury (except a pocket knife with a blade less than 2.5 inches).

When removal to an appropriate alternative interim educational placement is under consideration, the appropriateness of the student's current placement is to be considered. Information regarding the school's efforts to minimize the threat within the current placement (a function of an effective school-wide discipline plan) also must be considered, as well as the appropriateness of the interim placement to provide FAPE. There must be access to the general curriculum as stipulated in the IEP, as well as provision of an environment conducive to accomplishing the goals set forth in the student's existing, modified, or new behavioral intervention plan.

When collecting data and information, the principal should be aware that anecdotal records are a necessary source of information, but when considered alone they are not sufficient to support removal of a student to an appropriate alternative interim placement. The school principal has a distinct role in maintaining records, documenting incidents, and initiating appropriate evaluations and observations from a variety of sources. These records become important when the due process hearing officer makes an informed determination.

The principal must be able to provide to any person, including a hearing officer, assurance that: (a) the IEP is appropriate and (b) all components of the IEP were implemented as prescribed. It is important to maintain data concerning progress toward goals contained in the IEP. In addition, the data must verify that all related services were provided as prescribed in the IEP and that the behavioral intervention plan, if there was one, was appropriate and implemented as prescribed in the IEP. Finally, the principal may not act unilaterally regarding where to place the student in the interim; the IEP team is responsible for selecting the alternative educational setting of a child with disabilities.

When contemplating a removal action, it is the principal's responsibility to notify the parents, advising them of the school's intentions and their rights.

This allows the parents, the IEP team, and all other involved parties to determine whether or not a relationship exists between the child's behavior and his or her disability. This is a *manifestation determination* meeting; it must be initiated at the time the action to remove was determined and must never occur more than 10 days afterward.

> Manifestation determination review is a mechanism requiring all parties to review events of school rule infractions or misconduct (cumulative ten-day rule), a weapons violation, or a drug/controlled substance violation for the purpose of determining whether the infraction is a result of the student's disability. The findings of this determination will be that the behavior subject to the disciplinary action either is or is not a result or a manifestation of the student's disability.

In making this determination the team must review and consider all information available, including:

1. All evaluation and diagnostic results (including what the parent provides).
2. All observations of the child.
3. All components of the IEP as well as the educational placement.

After the review of all available information, the team determines whether

1. The IEP was appropriate and implemented correctly according to all components stipulated.
2. The student's disability did or did not impair his or her ability to understand the impact and consequences of the behavior subject to the action.
3. The student's disability did or did not impair the ability to control his or her own actions at the time.

If, after the review, the manifestation determination team concludes that the IEP was deficient or was not implemented according to prescription, then actions to remedy the situation must be taken. However, if the team finds that the school did comply, the team may proceed to determine that the behavior subject to disciplinary action was not a manifestation of the student's disability. If that is the team's finding, the student will be subject to the conditions of discipline set forth in the school's code of conduct. However, before this happens, one additional requirement must be met: The student's disciplinary records must be forwarded to the person(s) who will administer the school discipline. Parents of the student with the disability may always request a due process hearing to challenge the results, findings, or rulings of the manifestation determination team. The "stay put" rule for placement before the interim alternative educational placement is in effect throughout the due process hearing period unless the student is a danger to self or others. Due process hearings are to be conducted in the expedited format.

Principals must maintain records of poor behavior for all students in the school. This information is important, because a part of the law regarding students with disabilities concerns whether a student is currently unidentified but requires special services. A student who may be identified in the future for spe-

cial education services, or who has a history of poor behavior and is documented in a variety of ways, is protected. When this student is identified, the administration of discipline as a general education student without disabilities no longer applies, and the student falls under IDEA guidelines. This is more commonly known as the "previous knowledge of a disability" section of the 1997 Amendments to IDEA.

"Previous knowledge of a disability" includes the following:

1. A parent requests special education services.
2. The student's behavior or performance demonstrates a need for services.
3. A parent requests evaluation of his or her child for eligibility.
4. The teacher or some other member of the local education agency (LEA) staff requests services or evaluation for the child.

If no previous knowledge exists and/or the LEA previously conducted assessment for eligibility and found the student not eligible, or determined that assessment was not necessary and provided just reason to the parents for not conducting an assessment for eligibility, then previous knowledge is present but has been disposed correctly. In this case, the student is subject to the same administration of discipline as a student without disabilities. In any event, parents may request an evaluation, and if they do, an expedited due process hearing is required. If, as a result of the evaluation, the student is determined to be eligible for special education services, then special education services are to be provided to the student by the LEA, and placement, curriculum, and service decisions become the IEP team's responsibility.

The principal should be aware of the time line established for expedited due process hearings in the state and local education agencies. In general, all requested due process hearings under IDEA and accompanying federal policy require decisions and dissemination of decisions within 45 days of the request for the hearing.

If a student with a disability commits a crime, the LEA is not restricted by IDEA from reporting the crime to the proper local, state, or federal enforcement agencies. There is no prohibitive aspect of IDEA preventing any law enforcement agency from enforcing local, state, or federal law. The agency reporting a crime may transmit special education and disciplinary records of students with disabilities to law enforcement agencies for their consideration, but they may not breech any Family Educational Rights and Privacy Act (FERPA) provisions. This is similar to the establishment of the new placement or authority to administer discipline when a "no manifestation of disability" decision is reached.

Although a student with a disability can be excluded from his or her current educational placement, at no time can the LEA cease services or the provision of FAPE. The LEA (including the principal) must demonstrate participation in the IEP process and the creation of an appropriate IEP. More important, the LEA is required to implement the IEP as prescribed and document student progress toward the goals and objectives established in the IEP.

Behavioral Identification

As mentioned previously, the principal needs to be in control of the school-wide discipline plan. The school-wide plan should have a number of ways to identify students who need behavioral support, the behaviors they exhibit, the frequency with which they occur, the conditions under which they occur, and the benefits the student derives from the behavioral intervention. This requires a system of recording and documenting, which in turn necessitates skilled observers who are trained to record events, interview participants (including parents), recognize problem behaviors, and determine events leading to and subsequent to occurrences of problem behavior. The school-wide plan should also serve all students equally, thus requiring consistent application and administration of the school-wide plan. The principal's role within the construct of the IEP committee should serve to help all members fully understand the behavioral expectations and supports within the school. However, specific mechanisms must be in place to identify behavioral excesses and deficits and behavioral support needs of individual students. The school should be prepared to explore the behavioral needs of the student through various behavioral identification and analysis processes.

The first and easiest means of gaining information about student behavior is some kind of behavior checklist (see chapter appendix). Behavior checklists afford the opportunity to gather specific behavioral information from a variety of people who know the student and have observed the student's behavior. The school should have a behavior identification checklist. Generally, behavior checklists are used to identify the poor behavior(s) or problem behavior(s) a student exhibits and record how often they occur. Behavior checklists are just one small component of a data-collection system for determining a behavioral support program for a student. However, they are a good step in identifying behaviors that need to be addressed in the school.

Examples of problem behavior checklists include the following:

- The Behavior Evaluation Scale - 2 (BES-2).
- The Emotional Behavior Disorders Scale (EBDS).
- The Attention Deficit Disorders Evaluation Scale (ADDES).
- The Behavior Rating Profile (BRP).
- The Social Skills Rating System (SSRS).

The faculty and staff need to be aware of the instruments available in the school, know how to complete the checklists, and understand the scoring. To enhance consistency in use and scoring, it would be best to introduce these assessment instruments to teachers and staff at an inservice training session at the time a school-wide behavior plan is implemented. Follow-up training will probably be needed as problems occur and when there are staff changes.

The BES-2, EBDS, and ADDES each have a variety of versions. It is important to note that each of these instruments states behaviors in negative terms. All of these instruments request the rater to provide his or her interpretation of the frequency with which the poor behavior occurs. The ranges of the rating scales for the instruments are from Never Occurring to Occurring Continuously Throughout the Day. Subjectivity of rating is evident and

depends on the ability of the rater to understand the type of scale and its rating system. There are unique aspects, both positive and negative, of each of the scales listed.

A well-defined school-wide discipline plan has a data-collection system that is comprehensive and helps to validate behaviors. Usually, teachers keep anecdotal notes regarding incidents of poor behavior. In addition to behavior frequency checklists, the school-wide discipline record-keeping system will have a set of data-collection instruments such as detention slips, office referral slips, observation forms, fixed-interval time sampling instruments, and incident reports. One skill that should be the focus of inservice training for teachers is the accurate and consistent completion of narrative data-collection instruments. This skill is important to ensure that the behavior described is clear, measurable, and understandable, as well as critical for success.

It is particularly important when recording behavior incidents to be sure to describe the behavior so that a stranger could understand the behavior and to be sure that the behavior is sufficiently important to warrant this attention. An incident report used for reporting this information should describe the following:

1. What was happening just before the incident.
2. What the student was doing before the incident.
3. What was said or done to the student.
4. Details of what happened throughout the incident.
5. What happened (consequences) immediately after the incident.

Other necessary data on the form include the student's name, date, time of day, location of the incident, who was present, and who completed the incident report. A sample incident reporting form is included in the chapter appendix.

The principal must exercise caution when collecting behavior ratings, checklists, and other recorded data, because it becomes very easy to attempt to avoid treatment and behavioral support planning when problem behavior is identified. These are tools to use to help meet the student's needs, but they should not be misused to serve the needs of others. An important aspect of behavioral intervention and support is that of providing the best possible program for a student to succeed.

When collecting assessment data on a student's problem behaviors, the principal should be aware that previous knowledge becomes documented and positive action regarding a student and his or her overall educational program should emerge from it. While behavioral data collected from a variety of sources are necessary and can provide information needed to begin a behavioral support program, they are not a sufficient source of information for creating effective behavioral support programs. Once target behaviors are identified, an analysis of the learning situation and environment must occur to determine why the behavior(s) occur.

Once all data are collected, the IEP committee is ready to begin an analysis to determine the function a behavior has for the student. This requires a functional behavioral assessment using the data about the student's problem behavior as well as other information gathered through observation, records, new information, and interviews.

Functional Behavioral Assessment

Functional behavioral assessment is required as a part of the process for establishing a behavioral support plan. Functional behavioral assessment is based on information about how a student may react to certain situations and analysis of the functions the problem behaviors serve for the student—the relationship between the student's behavior and what occurs as a result of that behavior. This provides information to the team about how situations may be adjusted, changed, or manipulated so that a problem behavior no longer exists or can no longer occur. Sources of information include the home, classroom, and community.

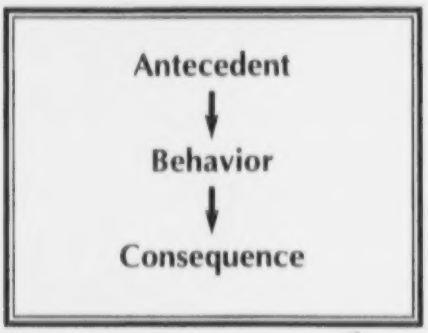
What can be manipulated varies as well, since sometimes the events leading to the behavior (antecedents) can be removed. The student may be trained to exhibit an appropriate behavior to replace the undesirable behavior (behavior), or the desired consequence may be changed to interrupt the functional relationship to the behavior (consequence). This relationship is shown in Figure 4-1.

Antecedents may be within the control of the teacher or another authority figure, but they may not always be. Consequences also may be within the control of the teacher, principal, or other authority in the school. The behavior can be adjusted, but this takes planning and training for those involved. Problems can be minimized through the systematic collection of information and data using an A-B-C recording chart (see chapter appendix). The functional analysis after the observation of the antecedent, behavior, and consequence (i.e., A-B-C chart analysis) clarifies the course of action to be taken by authority or student, and how that may take place.

The functional behavioral assessment is required to begin an individualized intervention for a student who displays challenging behavior(s). At times when a particular inflexible consequence for unacceptable behavior is used, some students become chronic offenders. A consequence generally is used to reduce behavior (i.e., punish), yet some students repeatedly break rules and suffer the same consequences. The functional behavioral analysis can reveal whether a repeat offender is reinforced by the consequence. By definition, positive reinforcement increases behavior. The principal must be aware of instances in which a student's problem behaviors are reinforced by consequences.

The principal should be aware of many sources of information that can become a part of the functional behavioral assessment. Individuals collecting

FIGURE 4-1
Variables in Functional Behavioral Assessment



and analyzing information as a part of functional behavioral assessment need training to collect data and analyze them effectively. The principal can provide this through inservice training in the school.

The place to start is identification of existing problematic behaviors. This can be accomplished by using some kind of norm-referenced, easy-to-score assessment instrument to identify specific problematic behaviors and verify that they are sufficient to warrant intervention. These instruments are formal assessments that should establish sources of information from the school, home, community, and student. Next, identified behaviors and their associated problems are analyzed further using some type of observation system. The observation should be designed to obtain information about the student within the classroom environment and compare that performance to the performance of peers in the same classroom, thereby establishing an existing norm. This allows for the inclusion of data about variance in teacher tolerance and teaching practice as a part of the evaluative process. These factors together help the team determine how the learning community supports or abandons a particular student.

For example, classroom observation of the target student's behavior can be compared to the norm established in that classroom by alternating observations of other classmates with observations of the target student. When these data are collected, the behavioral performance of the norm (in this case the classroom as a whole) is established. Then the analysis can be comparative, and the student's performance has a benchmark for setting goals. What may be found, however, is that the target student's behavior is similar to that of the class as a whole, thus suggesting that teacher tolerance is a factor in the cause (antecedent) and the behavior. The relationship between the behavior and consequence can be found to be functional for the student; that is, the student is reinforced by the consequence we consider to be punishment.

Another source of information that should be considered during the functional analysis is the recorded data from the school-wide discipline program. These data will be in the actual forms used in the school to record specific incidents of behavior, frequency of detention referrals, and frequency of principal referrals. In all cases, the principal is the one person in the school who can have an overall working understanding of each set of a student's behavior data. That information, if recorded according to guidelines described previously, becomes a valuable resource for planning an individual student's behavioral support intervention plan. The principal then is in the position of helping the team to establish a plan for the student who needs behavioral support and can ensure that the plan is functional and fits the overall school-wide discipline plan.

Positive Behavioral Support Systems

To have positive results, positive behavioral support approaches should follow a set of steps:

1. Determining reinforcement that will work.
2. Identifying behaviors that need to be changed.
3. Determining the incompatible acceptable behavior to replace the poor behavior.

4. Establishing a reinforcement schedule.
5. Verifying successful results through a system of data collection.

Reinforcement is something that increases the behavior that precedes it. When selecting a particular reinforcement, it is important for the principal and teachers to remember that the purpose of a reinforcement is to increase a target behavior, not a problem behavior. Students may become satiated on a particular reinforcer, so it is important to monitor reactions.

The teacher can conduct a reinforcement survey to help determine preferred reinforcement for students who need positive behavioral support. In general, this is a forced-choice questionnaire comparing reinforcement categorized into five hierarchical levels. The five levels of reinforcement move along a continuum from extrinsic (e.g., praise or a reward from another person) to intrinsic (e.g., satisfaction at knowing you did a good job). The categories range from edibles (extrinsic), to concrete items, to free-time activities, to gaining peer approval, and finally to getting teacher recognition (intrinsic). A survey of this type has 40 items of paired-reinforcement suggestions comparing the different types of reinforcement to each other an equal number of times. This enables the assessor to determine the most preferred reinforcement type for the student.

In creating the questionnaire one must be sure to have an understanding of edible reinforcement, concrete reinforcement, free-time activities, peer approval opportunities and specific types of teacher recognition the student would prefer. Caution is advised when using edibles, for a number of reasons (e.g., candy would be inappropriate for a child with diabetes, or parents may not wish their child to have certain edibles). Concrete items should be affordable for the teacher(s) and/or principal, since they will probably have to supply them with their own money.

The age and grade level of the student should be incorporated in the list of possible reinforcement items to be considered on the survey. A suggestion is to create surveys for a school that can be adjusted according to the unique needs of students, their ages, and the teacher's willingness to provide certain types of reinforcement.

Conclusion

The principal can be proactive and support teaching practice that is academically sound and motivating. Teachers need to provide constant monitoring and maintain classroom awareness. It is vital for supporting behavioral intervention to ensure that behaviors are defined correctly, that the function the behavior provides to the student is understood, and that reinforcers of replacement behaviors are acceptable and appropriate.

A team approach is necessary to develop an effective program at the school level that enhances classroom management and provides administrative support. Discipline committees consisting of representatives from general education and special education, principals, parents, and the student population are helpful to ensure a thorough understanding of behavioral expectations and consistency in responding to various behavioral concerns.

Chapter Four Appendix

Manifestation Determination Informational Report

Student Name: _____ Date: _____

School: _____

I. **Disability Conditions** (Indicate all sources as well as information.)

Evaluation and Diagnostic Reports

Information Supplied by the Parents

Observations

Student's IEP/Placement

Supplemental Aids and Services Provided

Discipline Records

Cumulative Records

Teacher Documentation

Police/Incident Records

New Assessment Data

Other Information

II. Describe the proposed disciplinary action:

III. Behavioral History

Effectiveness of Previous Interventions

History of Current Behavior Subject to Disciplinary Action

Behaviors Addressed in the IEP or Other Behavioral Intervention Plans

Have the behavioral intervention plans been implemented?

Were there any changes in behavior?

Other Comments Regarding Behavioral Intervention Plans

IV. Review of Past Evaluations

History of the Disability (or Disabilities)

Consistency of Evaluations with Current Behavior

Other

V. Summary of New Data Collected

Precise Description of Disability

Consistency with Previous Evaluation Data

Summary of Results

Manifestation Determination Checklist and Worksheet

Attach a description of the incident. (Provide details, documentation; secure voluntary statements from parents, the child, and individuals involved.)

___Yes ___No Are there previous manifestation determination decisions for this student?

Individualized Education Program (IEP) Evaluation

___Yes ___No **1.** At the time of the incident, did the student have a disability? (If no, go to item 12.)

___Yes ___No **2.** Is the entire IEP team present?

___Yes ___No **3.** Is a parent of the child present?

4. List other qualified personnel present.

_____

_____

_____

___Yes ___No **5.** Are all required IEP components available? (If no, indicate what is missing.)

_____

___Yes ___No **6.** Were all educational needs of the student addressed in the IEP? (If no, indicate which student needs are missing.)

_____

_____

_____

___Yes ___No **7.** Was positive behavioral support included in the IEP?

___Yes ___No If yes, were goals and objectives appropriate and was progress documented?

___Yes ___No If no, does the IEP address all behavioral needs of this student?

8. Were all of the following items considered when creating the IEP?

___Yes ___No Behavioral interventions/strategies for behavior that impedes learning

___Yes ___No Language needs

___Yes ___No Communication needs

___Yes ___No Assistive technology needs

___Yes ___No Needs for blind or visually impaired

___Yes ___No **9.** Is the educational placement in the IEP appropriate for this student? (If no, provide rationale from IEP, who disagrees, and why.)

___Yes ___No **10.** Were all diagnostic/evaluation results considered when constructing the IEP? (If no, indicate which results were not considered and why.)

___Yes ___No **11.** Were all prescribed supplementary aids and services provided? (If no, indicate which supplementary aids or services are lacking.)

___Yes ___No **12.** Is there previous knowledge of behavioral problems? (If yes, document in chronological order the specific behaviors, extent of behaviors, and disciplinary actions to date. Indicate sources of information.)

___Yes ___No **13.** Do these behaviors require intervention? (If yes, explain/discuss possible interventions.)

___Yes ___No **14.** Is diagnostic/evaluation information missing? (If yes, indicate the new information and its source. Items to consider include individual specialists' reports, multidisciplinary team reports, current parent/teacher information, anecdotal records of behavior, documentation and cumulative history of behavior, the context where behavior occurs, student interviews, student observations, recent or additional information.)

___Yes ___No **15.** Is the behavior in question linked to the student's disability in its:

___Yes ___No Severity?

___Yes ___No Chronic pattern of occurrence?

___Yes ___No Intensity?

___Yes ___No Duration?

___Yes ___No Frequency?

___Yes ___No Predictability?

___Yes ___No Impact?

___Yes ___No Characteristics?

___Yes ___No Does the behavior occur across settings?

16. As a result of this disability, and after considering its definition, as well as all assessment data available, can the student appreciate:

___Yes ___No The wrongfulness of the conduct?

___Yes ___No The ability to conform conduct to school requirements?

___Yes ___No **17.** Is the behavior the result of something other than the disability? (If yes, indicate the source of the behavior. [e.g., chemical dependency, serious illness, life change event, etc.] [Committee must consider all assessment data available for this question.])

_____

If any of items 2–11 are answered no, then pertinent information must be considered. It is suggested that manifestation determination would result in behavior being a manifestation of the student's disability due to the LEA's lack of proper creation and/or administration of the IEP. All placement decisions should then be a result of reconvening the IEP team to correct deficiencies and adjust placement. (List below items between 1 and 11 that were answered no.)

_____

_____

If item 1 is answered no and/or any of the items 12–14 are answered yes, then previous knowledge about possible behavior problems exists. It is suggested that manifestation determination would yield results indicating that behavior may be a manifestation of the student's disability. This may result from numerous instances, such as recent behavior(s), emerging/evolving patterns not documented or recognized as important previously, or previous treatment/evaluation/assessment results not available when the IEP was written. All placement decisions should then be a result of reconvening the IEP team to correct deficiencies and/or adjust placement. (List below items between 12 and 14 that were answered yes.)

_____

_____

If either item 15 or item 16 is answered yes, then the behavior(s) is/are manifestations of the student's disability. All placement decisions should then be a result of reconvening the IEP team to correct deficiencies and/or adjust placement. (Indicate below which item(s) was/were answered yes.)

_____

_____

If all items 1–11 are answered yes, and all items 12–14 are answered no, and both items 15 and 16 are answered no, then behavior(s) is/are not a manifestation of the student's disability and the student may be disciplined according to the school policy; however, FAPE must continue to be provided.

If item 17 is answered yes, then behavior(s) is/are not a manifestation of the student's disability and the student may be disciplined according to the school policy; however, FAPE must continue to be provided.

The IEP team determines that this student's behavior(s) [is/are; is/are not] a manifestation of his or her disability. (Circle one)

CHAPTER FIVE

What Does a Principal Need to Know About the Evaluation of Students with Disabilities?

Before students can receive special education or related services, they need to be identified as eligible. To be found eligible, they need to be assessed, and the team needs to meet on the results of those assessments. This chapter describes the process from prereferral to assessment. The principal's role in the process is multifaceted, ensuring that the district follows appropriate procedures and timelines while working to meet the needs of the student in the classroom. If there are problems in the procedures used in determining a student's eligibility, this calls into question every aspect of the services provided to the student. There are specific procedures enumerated in both IDEA and Section 504. Therefore, it is important that the principal have a thorough understanding of both laws, including their differences and similarities.

Procedures

Ideally, all students would have their needs met in the regular classroom and there would never be a need for special education. Some children, however, exhibit problems—academic or behavioral—in general education classrooms, indicating that they might need additional assistance. The federal regulations governing the implementation of IDEA provide guidelines for ensuring that a child is assessed appropriately. Before a child can be found eligible for special education, he or she must be assessed to determine whether a disability exists. If, because of this disability, the student needs special education, then the team determines his or her educational needs.

First Steps

If the process begins before the student enters school, the child probably has a visible disability or has already been found eligible as an infant or toddler and has been participating in an early intervention program to provide special instruction. If the child is already identified, the procedures described below for monitoring and reassessment apply.

For children who have not been identified before kindergarten, the process typically begins in the general education classroom. The regular class-

room teacher notices that something, either academic or behavioral, is different about this child as compared to the others. Examples include low grades on assignments, illegible handwriting, problems in paying attention, difficulty in following directions, problems in getting along with others, or problems with fine or gross motor activities. The student may complain of headaches, ask the teacher to repeat information, or just not seem to follow along with the others. Whatever the problem might be, the teacher will generally notice that the child seems to have special difficulty with learning and/or behavior.

A teacher's noticing that something is "different" does not mean that the child needs special education. In fact, many of the problems that students exhibit in the general education classroom can be handled there without assistance. Maybe the student needs to be moved closer to the board, or maybe the student needs to receive some basic assistance in organizing his or her desk, locker, or cubbyhole. Whatever problem the student exhibits, the first step is to try to ameliorate the problem while maintaining the student in the classroom. This is called *prereferral intervention.*

The purpose of prereferral intervention is to prevent the student from needing special education or related services. Prereferral interventions involve modifying curriculum, instruction, or other assistance given to the student and determining whether or not these changes improve the child's performance on classroom tests and assignments. This process is often informal; teachers frequently modify and change instruction without their students ever being viewed as needing special education. The principal never hears about many of the students for whom teachers modify instruction, because the basic modifications worked and there is no need for additional follow-up.

Unfortunately, there are some students for whom the teacher's instructional modifications result in no discernible difference. The principal hears about these students, especially if they exhibit behavioral problems. Most states have specific steps for prereferral interventions. However, prereferral interventions cannot be used in place of services that a student needs by delaying the assessment process. Timelines for assessment are discussed later in this chapter.

If a teacher notices that a student is having problems in class, then he or she needs to document the extent of the problems. The teacher might have already informed you of the problems the student is having, but just saying that the child is having problems is not enough. The teacher needs to provide examples of the work that distinguishes this student from the others, or examples of how much the student is off task, or how often he or she is out of seat. The teacher may ask you to come into the classroom to see what the student is doing during instruction and make recommendations about behaviors the student is exhibiting. When you observe a student, it is important that you document what you see in behavioral terms. This means that you describe the actions of the child and others in the classroom so that there is as little room for interpretation as possible.

Examples:

1. The student is out of his seat for 5 minutes out of a 30-minute class.
2. The student did not attempt to do his work for the first 10 minutes of the class period.

Nonexamples:

1. The student seems to be thinking about hitting other students.
2. The student appears uninterested.

Another important function is to compare the student to others in the class. Many teachers complain that their students are off task. One question you might ask is, "How much is this student off task compared with other students?" The reason you want to compare this student to others is that the percentage of off-task behavior is meaningful only when compared to the off-task behavior of the other students in the same class. Knowing that a student is only on task 50% of the time might seem like an important piece of information that might indicate that this student is having problems. However, if the other students in the class are only on task 30% to 40% of the time, the student who is on task 50% of the time is doing well.

Comparing the behavior of the student in question with that of the other students is relatively easy. To continue with the example of the amount of on-task behavior, first determine three other students who are typical students in the classroom. Second, define what is meant by "on task." This could be as simple as, "The student is looking at his or her seatwork" or "The student looks at the teacher as he or she moves about the classroom." Third, make a chart similar to the one shown in Figure 5-1. Fourth, observe each student and ask yourself the question, "Is the student on task?" If the student is on task, make a check next to his or her name. Code "yes" answers with a check by the name and "no" answers with a circle. Then repeat the observations of each student for about 15 to 20 minutes. At the end of the observations, determine how many times the students were on task versus the total number of observations you made of them, and this will yield a percentage of on-task behavior.

You now have information about the student in question, in addition to others in the classroom. If on-task behavior is a deficiency for this student, you have gained some sense of how different he or she is from the others. For example, you may now know that the student was on task 40% of the time compared with others in the class who were on task 75% to 80% of the time. Based on this information, you can make recommendations and develop a plan for meeting this student's needs.

FIGURE 5-1
On-Task Chart

Observation Scores	On-Task Behavior	Total Observations
Student 1	%	
Student 2	%	
Student 3	%	
Student 4	%	

Referrals

If, after prereferral intervention, the student still does not make progress, initiate a referral for testing for special education. Teachers, educational specialists, administrators, and parents can initiate referrals. The prereferral process of working to change the child's performance does not need to delay the referral of a child who needs testing for special education.

After a referral, a multidisciplinary team decides whether testing is warranted. This decision must be made within 10 days after the referral. If you are working to implement prereferral interventions and a referral is made, the decision about assessment must be made within 10 days. If a parent initiates a referral for testing and the team decides testing is not necessary, the parents must be notified in writing. At that time, they also must be notified of their due process rights (see Chapter 9 for more information). The team can choose not to evaluate the child under Section 504 or IDEA regulations if they feel there is no basis to suspect that there is a disability.

A referral should document the reasons why the child should be tested for eligibility for special education. It should give some indication of the student's problem areas. Most districts have formal referral forms on which the following information should be included:

1. Student's name.
2. Student's age.
3. Grade level.
4. Name of person initiating the referral.
5. Relationship to the student.
6. Problems manifested in the classroom.
7. Steps taken to relieve the problem.
8. Outcome(s) of those steps.
9. Date the referral was initiated.

If parents initiate a referral, it would be nice to have the same supporting documentation requested of them that is requested of teachers; however, all that is required is that they put in writing that they want their child tested. As a principal, you can then gather the information from the individuals who are a part of the student's life to make a decision about testing.

Initial Multidisciplinary Team Meeting

The initial multidisciplinary team meeting is held to determine whether or not the child warrants testing. The team should consist of the teacher, an individual knowledgeable about the suspected disability (generally one of the school's special education teachers), the parent(s), and an administrator. As principal, you are an appropriate administrator to serve in this role because you know the student and know how the student is functioning compared to the other students in the building.

You need to gather the following important information before the meeting:

1. Examples of class work from the student and from "typical" students.
2. Notes from observations made on the student.
3. Results from screening instruments or normative tests.
4. Comments from previous teachers.
5. Copies of report cards.
6. Comments from others who may be involved with the student (e.g., the art teacher, music teacher, librarian, or physical education teacher).
7. Any notes on behaviors (positive and negative) that you have kept on the student.

The Meeting

Before you call the meeting to order, arrange for someone to take notes and keep track of any documentation. Then:

1. Call the meeting to order.
2. State that you are gathered to determine whether the student should be tested to determine eligibility for special education.
3. State that the purpose of the meeting is not to identify who will be providing services to the student, but to decide whether testing is warranted to determine whether or not the student needs special education.
4. Ask the individual who made the referral to present information about the student. At this point, the following information is needed:
   - The student's name.
   - Age.
   - Grade level.
   - Name of person initiating the referral.
   - Relationship to the student.
   - Problems manifested in the classroom.
   - Steps taken to relieve the problem.
   - Outcome(s) of those steps.
   - Whether the student has been retained.
   - If the person who made the referral is the parent and he or she is not in attendance, have the child's teacher(s) describe the student's academic and social behavior. Ask for information on how this student compares to others in the class.
5. Ask for comments and questions, discussing the salient points of the presentation.
6. Ask for a recommendation from one of the team members.
7. Discuss the recommendation, working to come to consensus as a team.
8. If necessary, vote on the recommendation.

9. If you are recommending testing the child for special education, be sure to include suggestions or recommendations about possible problem areas to those doing the testing. Examples of this might include: "The child may have auditory processing problems"; "The student seems to have problems in organization and impulse control"; or "The student seems to have problems with peer and social relations." You can be as specific as you need to be.
10. If you are not recommending testing for special education at this time, explain why you do not think the student needs testing. Also, have the team members make recommendations to the teacher that may help to improve the student's performance.
11. Make sure the meeting notes describe what occurred at the meeting, along with the specific recommendations.
12. Forward a written copy of the results of the meeting to the parents, the child's permanent file, and the individual in your district responsible for coordinating the testing. The letter should have the child's name, birth date, current grade placement, teacher's name, and school. It should also include your recommendation as to whether or not the child should be tested, as well as any additional recommendations you might have for specific areas of assessment. Finally, it should include the team members' names and signatures.
13. If the parents made the referral for testing and you are recommending that the child not be tested, then a copy of the due process rights must be included in the letter mailed to the parents.

Parental Notification

If the multidisciplinary team recommended testing the child to determine eligibility for special education, the next step is to obtain parental consent. The district must notify the parents in writing of their intent to assess the child for special education and the reasons for the assessment. Make sure to provide the parents with a written statement—in clear language free of jargon—of their rights under the law, including their due process rights. The parents also need an explanation of the tests, who will be doing the testing, when the tests will occur, and how long the process will take. Finally, they need to be made aware of what will take place if their child is found eligible for special education. The parent or parents then sign a form stating that they have received their notice of rights.

If the parents or guardians do not provide their consent, the district may request a due process hearing to determine whether the child should be tested without parental consent.

The Actual Evaluation

The federal regulations are very prescriptive about what needs to be included in an evaluation to determine eligibility for special education. It is important to understand the process so that you can help monitor it and help answer ques-

tions from the parents or school personnel about the assessment instruments or their use.

The following is a summary of the federal regulations regarding the assessment of individuals for special education. Your state's actual regulations might be different, and you must be familiar with both federal and state regulations. For a copy of the complete federal regulations, see 34 C.F.R. § 300.532, from which much of this is copied.

Summary: Federal Requirements on Assessments for Eligibility

Assessment Devices or Tests:

1. Tests are selected and administered so as not to be discriminatory on a racial or cultural basis.
2. Tests are provided and administered in the child's native language or other mode of communication, unless it clearly is not feasible to do so.
3. Tests to assess a child with limited English proficiency are selected and administered to ensure that they measure the extent to which the child has a disability and needs special education, rather than measuring the child's English language skills.
4. A variety of assessment tools and strategies are used to gather relevant functional and developmental information about the child, including information provided by the parent, as well as information related to enabling the child to be involved in and progress in the general curriculum (or for a preschool child, to participate in appropriate activities) that may assist in determining whether the child is a child with a disability.

Standardized Tests:

1. All standardized tests used have been validated for the specific purpose for which they are used.
2. Standardized tests are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the tests.
3. If an assessment is not conducted under standard conditions, a description of the extent to which it varied from standard conditions (e.g., the qualifications of the person administering the test, the method of test administration) is included in the evaluation report.
4. Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.
5. Tests are selected and administered so as to best ensure that if a test is administered to a child with impaired sensory, manual, or speaking skills, the test results accurately reflect the child's aptitude or

achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure).

6. No single procedure is used as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child.
7. The child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.
8. In evaluating each child with a disability, the evaluation is sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not they are commonly linked to the disability category in which the child has been classified.
9. The public agency uses technically sound instruments that may assess the relative contribution of cognitive and behavioral factors in addition to physical or developmental factors.
10. The public agency uses assessment tools and strategies that provide relevant information that directly assists in determining the educational needs of the child.

Test Selection

The tests used to assess the child stem directly from the initial meeting on the referral. If the team suspects a reading problem, there should be additional assessments in reading. This is in addition to the tests in general intelligence, vision, hearing, and academic performance. The assessment process for the student needs to be individualized, based on the referral. A standardized assessment provided to every child suspected of having a disability violates the spirit of the law and does not work to assess what the specific child might need. Finally, all assessments need to be individualized. Therefore, do not use a group-administered test to determine whether a child has a disability. Group-administered tests can be used to screen for a disability, but not to make a disability determination.

Summary of Evaluation Procedures

It is important to note that the assessment must include all areas related to the suspected disability (see "Initial Multidisciplinary Team Meeting," p. 57) and that the evaluation must be comprehensive enough to identify all of the child's special education and related services needs. The time that elapses between the initiation of the referral and the meeting to determine whether or not the child is eligible for special education is prescribed by federal and state law. Check with your state's special education office about the specific timeline requirements.

Section 504 Evaluation

There are subtle differences in the evaluative procedures of Section 504 and those of IDEA. It is important for principals to have a thorough understanding of the differences, because in some districts the principal is the person responsible for ensuring that the student with a disability has his or her needs met under Section 504.

Section 504 Requirements for Eligibility Assessments:

1. Tests and all evaluation materials have been validated for the specific purpose for which they are used and are administered by trained personnel in conformity with instructions provided by their producer.
2. Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single intelligence quotient.
3. Tests are selected and administered so as to best ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skill, the test results accurately reflect the student's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the student's impaired [abilities] (except when those skills are the factors that the test purports to measure). (34 C.F.R. § 104.35)

As with the IDEA regulations, the district must convene a group of persons who are knowledgeable about the student and who understand the data from the tests and can make appropriate decisions about the student's placement. Also, as with IDEA, the parents have the right to (a) be notified of their rights, (b) file a grievance, (c) be notified when eligibility is determined, (d) an evaluation that uses multiple sources, (e) periodic reevaluation, and (f) representation by counsel when needed.

Independent Evaluation

If the parents do not feel the evaluation of their child is adequate, they can request an independent educational evaluation at public expense. A qualified individual not affiliated with the district conducts the independent evaluation. The independent evaluation can cover the areas included in the other evaluation, or it can cover only part, such as diagnostic information about reading or a different intelligence test.

When a parent requests an independent educational evaluation, the district has to provide a list of qualified individuals who provide evaluations. An important note about the process is that parents can request an independent educational evaluation at any time in the process, not just at the end, after the evaluation results are presented. The district must consider the results of the independent evaluation as a part of its decision making, although it does not have to accept the results as the definitive statement of the child's educational abilities or performance.

If the district does not accept the results of the independent evaluation, the following must be put in the student's record and given to the parent(s) in

writing: (a) how the independent evaluation was made available to the district; (b) a record of the subsequent discussion; and (c) reasons for the disagreement.

A district does not have to grant the parents' request for an independent educational evaluation at public expense if the district feels its evaluation was appropriate. If the parents disagree with the district about whether the evaluation was appropriate, the parents have the right to call for a due process hearing. If a due process hearing officer deems an independent evaluation necessary, then the district must arrange for an independent evaluation as soon as possible.

If the due process hearing officer does not state that an independent educational evaluation is necessary, the parents still have the right to obtain an independent educational evaluation, but at their own expense. In fact, the parents may obtain as many independent educational evaluations at their expense as they want. The process for reviewing information when a parent pays for an independent evaluation is the same as when the district pays for the evaluation. The team needs to meet on the results, consider them, and make a decision. The results of that decision must then be stated in writing.

A final note on independent evaluations: The ultimate goal in obtaining an evaluation of a child is to assist in planning appropriate instruction. Have the team consider the parents' request for an independent evaluation very carefully, keeping in mind the rationale behind the request. When results from the independent evaluation are presented, regardless of who might have done the assessments, review them in light of decisions about improving the child's education.

Evaluation for Related Services

An important part of the 1997 Amendments to IDEA (IDEA '97) is that students who need special education often need related services in order to receive the benefits of education. Related services primarily include speech and language therapy, audiology services, occupational therapy, physical therapy, and certain types of counseling, social work, and psychological services. If you suspect the child needs related services based upon the initial referral, then evaluations need to be made by professionals trained in the appropriate techniques. For example, if a child being assessed to diagnose mental retardation also seems to be in need of physical therapy, then an individual trained in determining physical therapy needs must conduct an assessment. The related service assessments must occur within the same period as the other assessments.

The Multidisciplinary Team Meeting

The members of the multidisciplinary team make the decision concerning the student's eligibility for special education. Members may be added to the multidisciplinary team after the initial meeting (see "Initial Multidisciplinary Team Meeting," p. 57). Additional members might include physicians, nurses, or school psychologists. At least one member of the team must be knowledgeable about the suspected disability. For example, if you suspect the student has a learning disability, one member of the team must be qualified to teach students

with learning disabilities. The child's general education teacher must be a member of the team. In addition, as stated above, standardized tests must be administered by trained and knowledgeable personnel in accordance with any instructions provided by the tests' producers.

After you gather the information from the assessments, the multidisciplinary team meets to review the results. Often principals lead these team meetings. Therefore, it is important to understand the different members' roles, the information they are expected to contribute, and the outcome expected from the meeting. The following is a list of steps to follow if you are scheduling and conducting the meeting:

1. Schedule the meeting within the times delineated by your state. The meeting typically has to occur within 45 days after the initiation of the referral.
2. Work to make sure all the participants will be able to attend, including the person who made the referral, the individuals who did the testing, the classroom teacher, and someone who is knowledgeable about the suspected disability.
3. Schedule the meeting at a time that is convenient for the parent(s).
4. Schedule the meeting in a comfortable, quiet room that is as distraction free as possible. Make sure that everyone will be comfortable.
5. Schedule about 2 hours for the meeting.
6. If you hold the meeting during the school day, either hire a substitute teacher for the classroom teacher(s) or make some other provision for covering classes.

Before the Meeting

Before assembling the team for the meeting, you should take the following steps:

1. Make sure that all the assessments are complete and there are summaries of the results.
2. Talk with the individuals who did the assessments to get a quick summary of their results. You want to avoid the need for additional testing if possible. If additional testing is necessary, try to get it done before the meeting.
3. Make sure that everyone knows about the date, time, purpose, and location of the meeting.
4. Make sure that everyone will attend. If any of the team members cannot attend, decide whether you need to reschedule. However, you still need to keep the meeting within the time frames delineated by your state. If you are not going to reschedule, obtain a copy and summary of the missing team member's report so the information can be presented to the other team members. Determine who would be a suitable person to present the information and talk with that person about it before the meeting so he or she has a chance to review the report and ask questions of the author, if necessary.

5. Determine who will be responsible for taking notes at the meeting.
6. Let the office staff know where you will be and that you are not to be interrupted. Also, let the office staff know there might be individuals not familiar with the school who will be attending the meeting and will need to be directed to the right place.

Beginning the Meeting

Follow these steps if the child has been evaluated for the first time and you are leading the meeting. However, even if someone else leads the meeting, you still need to understand the process, roles, and expectations. Many parents feel overwhelmed by these meetings, especially because professionals present detailed information about their child. Some parents take a couple of days to process the information and will come to you later seeking clarification, especially about what the results mean for their child.

1. Thank everyone for coming. Explain to them that you are gathered to review assessment information to determine whether a student is eligible for special education.
2. Have the attendees introduce themselves, explaining their position in the school.
3. Explain to the attendees that you will be discussing detailed and very personal information about the student. Therefore, it is expected that all participants will discuss this confidential information only with those individuals who need to know.
4. Pass out a sheet for the team members to list their names and titles or relationship to the student.
5. Explain that everyone will have an opportunity to ask questions after each report is presented.
6. Explain that after the presentation of the reports, the team will discuss what has been learned and make a decision about whether or not this child is eligible for special education. Explain that the purpose of the meeting is not to determine who the student's teachers will be or what subjects the student will be studying. That comes later, if the student is found eligible, at the individualized education program (IEP) meeting.
7. Ask all participants to describe the child's abilities and strengths, not just the problems. The parents will appreciate this, and it will keep everyone focused on the real reason for the meeting—that is, working to make the child's education meet his or her learning needs.
8. Have the person who initiated the referral state the problems the student has been having and why they thought testing should occur.
9. Have the person who observed the child state her or his observations.
10. Have the others in attendance state the results of their assessments.
11. If you use acronyms or abbreviations to describe either the tests or the student, explain these terms to the parents.
12. After all the presentations, ask for comments or questions.

13. Read the definition of the suspected disability. You might need to read more than one definition. For example, if you are unsure whether a child who has a behavior problem is eligible under the category of learning disability or the category of emotional/behavioral disturbances, read both. The definitions of the different categories are included in the "Disability Categories" section beginning on the next page.
14. Review the different recommendations that the team can make. They can recommend that the child is eligible for special education or is not eligible for special education. Alternatively, they can recommend that a decision be deferred on this child because additional information is necessary, or because some major life event has occurred, necessitating a waiting period (e.g., the child's mother is very sick). The team needs to document the reason for the wait, obtain approval from the parent(s), and set a specific deadline for reconvening the meeting. This waiting period should be brief and for a specific function, and it should not be used to delay services.
15. Based on the definition(s) as read, ask for a recommendation as to whether or not the child qualifies for special education.
16. Ask for a discussion of the recommendation(s) or questions about the definition(s).
17. After the discussion occurs, ask for a show of hands from those who support the recommendation. Then ask for a show of hands from those who are opposed to the recommendation.
18. Summarize the recommendation, ensuring that the person who is taking notes copies it appropriately. If there are team members who are opposed to the decision, explain to them that they are welcome to file a minority report.
19. Thank the participants for their attendance and their contributions. Remind the participants that the information discussed at the meeting is confidential.
20. Ask the parents whether they have any questions about the process. Tell them they have a right to file a due process appeal at any time if they are unhappy with the outcome of the meeting or the educational services provided to their child.
21. Adjourn the meeting.

After the Meeting

The following is a list of steps to take after the conclusion of the multidisciplinary team meeting:

1. As soon as possible, review the notes to make sure they accurately reflect what occurred.
2. If the child has been found eligible for special education, make sure the director of special education or director of pupil personnel services is aware of the decision.
3. Place a copy of the meeting notes in the child's permanent file.

4. Forward a copy of the meeting notes to the director of special education or pupil personnel services.
5. If the child is eligible for special education, make sure a team is formed to develop the IEP within the next 10 days.
6. If the child is not eligible, meet with the teacher to discuss other strategies for helping the child to improve his or her performance.
7. Be available to meet with the parents to review the meeting. If you are not able to answer their questions, do not just refer them to someone else; get the answers they need. It will take time, but the parents will benefit, and you will have a better understanding of the process and will be better able to assist other parents in the future.

Disability Categories

For a child to receive services in special education under IDEA '97, he or she must meet at least one of the categorical definitions. Your state may have a different definition than the ones the federal government uses; however, you must be familiar with the federal definitions as well as your state's definitions. These are the definitions used in making the multidisciplinary team decision.

General Definition of Disability

IDEA '97 characterizes the disabilities covered by special education in the following ways.

The term *child with a disability* means a child who is evaluated properly and who has mental retardation, a hearing impairment including deafness, a speech or language impairment, a visual impairment including blindness, serious emotional disturbance (hereafter referred to as *emotional disturbance*), an orthopedic impairment, autism, traumatic brain injury, other health impairment, a specific learning disability, deaf-blindness, or multiple disabilities and who, by reason thereof, needs special education and related services.

Specific Disabilities

This section provides the categorical definitions of specific disabilities covered by special education law.

Developmental Delay

Under IDEA '97 the term *developmental delay* may be used for a child aged 3 through 9 years who is experiencing developmental delays as defined by the state and as measured by appropriate diagnostic instruments and procedures. Developmental delays may be in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development. The term *developmental delay* is used in this context to mean that the child needs special education and related services. [§300.7(b)]

Autism

Autism is a developmental disability that significantly affects verbal and nonverbal communication and social interaction and that adversely affects a child's educational performance. Symptoms of autism are generally, although not always, evident before age 3. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, strong resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. Autism is generally not considered the applicable diagnosis if the adverse effect on educational performance stems primarily from emotional disturbance. [§ 300(7)(c)(1)]

Deaf-Blindness

The term *deaf-blindness* is used to describe concomitant hearing and visual impairments, the combination of which causes communication problems and other developmental and educational needs that are so severe that they cannot be accommodated in special education programs solely for children with deafness or children with blindness. [§ 300(7)(c)(2)]

Deafness

The term *deafness* pertains to a hearing impairment that is severe enough to adversely affect a child's educational performance. [§ 300(7)(c)(3)]

Emotional Disturbance

The term *emotional disturbance* is used to describe a condition marked by one or more of the following characteristics over a long period of time and to a significant degree that adversely affect a child's educational performance:

- An inability to learn that cannot be explained by intellectual, sensory, or health factors.
- An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
- Inappropriate types of behavior or feelings under normal circumstances.
- A general, pervasive mood of unhappiness or depression.
- A tendency to develop physical symptoms or fears associated with personal or school problems.

The term may include a number of psychiatric disorders; however, social maladjustment is not considered emotional disturbance, unless the other symptoms are present as well. [§ 300(7)(c)(4)]

Hearing Impairment

The term *hearing impairment* refers to a hearing loss, whether permanent or fluctuating, that adversely affects a child's educational performance but is not severe enough to be considered deafness. [§ 300(7)(c)(5)]

Mental Retardation

The term *mental retardation* refers to significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child's educational performance. [§ 300(7)(c)(6)]

Multiple Disabilities

This category includes concomitant impairments (e.g., mental retardation-blindness, mental retardation-orthopedic impairment), the combination of which creates educational needs so severe that they cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf-blindness. [§ 300(7)(c)(7)]

Orthopedic Impairment

This term pertains to severe orthopedic disabilities that adversely affect a child's educational performance. The category includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member), impairments caused by disease (e.g., poliomyelitis, bone tuberculosis), and impairments from other causes (e.g., cerebral palsy, amputations, fractures or burns that cause contractures). [§ 300(7)(c)(8)]

Other Health Impairment

This category includes impairments due to chronic or acute health problems (e.g., asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, leukemia, nephritis, rheumatic fever, growth hormone deficiency, or sickle cell anemia) that adversely affect a child's educational performance. [§ 300(7)(c)(9)]

Specific Learning Disability

A *specific learning disability* is a disorder in one or more of the basic psychological processes involved in understanding or using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. It can include conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include learning problems that are primarily the result of visual, hearing, or motor disabilities; mental retardation; emotional disturbance; or environmental, cultural, or economic disadvantage. [§ 300(7)(c)(10)]

Speech or Language Disorder

This term refers to a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child's educational performance. [§ 300(7)(c)(11)]

Traumatic Brain Injury

This term refers to an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance.

The term applies to open or closed head injuries resulting in impairments in one or more areas such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. The term does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma. [§ 300(7)(c)(12)]

Visual Impairment

The term *visual impairment* refers to an impairment in vision severe enough that, even with correction, the child's educational performance is adversely affected. The term includes both partial sight and blindness. [§ 300(7)(c)(13)]

Attention Deficit Hyperactivity Disorder (ADHD)

As a part of the categorical definitions, attention deficit hyperactivity disorder is included under Other Health Impaired. There is no specific category of ADD/ADHD, but this does not mean that students with ADD/ADHD do not get services. They have been served under Section 504 as well as under IDEA. The final regulations amended the definition of "other health impairment" to add ADD/ADHD to the list of conditions that could render a child eligible for services under this part. The language relating to other health impairments was also modified to clarify that limited strength, vitality, or alertness includes a child's heightened alertness to environmental stimuli that results in limited alertness with respect to the educational environment.

Specific Guidelines for Determining Eligibility for Learning Disabilities

Learning disability is the most frequently occurring disability, but it is often the most difficult to diagnose. Criteria for determining the existence of a specific learning disability under the federal guidelines are as follows: [§300.541]

(a) A team may determine that a child has a specific learning disability if—
  (1) The child does not achieve commensurate with his or her age and ability levels in one or more of the areas listed if provided with learning experiences appropriate for the child's age and ability levels; and
  (2) The team finds that a child has a severe discrepancy between achievement and intellectual ability in one or more of the following areas:
    (i) Oral expression.
    (ii) Listening comprehension.
    (iii) Written expression.
    (iv) Basic reading skill.
    (v) Reading comprehension.
    (vi) Mathematics calculation.
    (vii) Mathematics reasoning.
  (3) The team may not identify a child as having a specific learning disability if the severe discrepancy between ability and achievement is primarily the result of
    (i) A visual, hearing, or motor impairment;
    (ii) Mental retardation;

(iii) Emotional disturbance; or
(iv) Environmental, cultural or economic disadvantage.

Written Report

A written report needs to be produced when a child is identified as having a specific learning disability. For a child suspected of having a specific learning disability, the documentation of the team's determination of eligibility must include the following:

(1) Whether the child has a specific learning disability;
(2) The basis for making the determination;
(3) The relevant behavior noted during the observation of the child;
(4) The relationship of that behavior to the child's academic functioning;
(5) The educationally relevant medical findings, if any;
(6) Whether there is a severe discrepancy between achievement and ability that is not correctable without special education and related services; and
(7) The determination of the team concerning the effects of environmental, cultural, or economic disadvantage.

(b) Each team member shall certify in writing whether the report reflects his or her conclusion. If it does not reflect his or her conclusion, the team member must submit a separate statement presenting his or her conclusions.

The Comprehensive Evaluation Report

After the multidisciplinary meeting determining the child's eligibility, regardless of the decision reached, a written report summarizes the information. If the child is not found eligible, the following must be included:

1. Findings from the meeting.
2. Recommendations for ways of improving service.
3. Test scores and summaries.
4. Notes from observations.

If the child is found eligible for special education, other important items in the comprehensive evaluation report include:

1. The name of the disability.
2. The child's strengths and weaknesses.
3. The broad goals toward which the child should be working.
4. Test scores and summaries.
5. Notes from observations.
6. A minority report if there was not unanimity.

The assessment process should have looked at the issue(s) raised about the child during the initial referral. Therefore, there should be a close tie between the initial referral and the summary of the tests in the comprehensive evaluation report. The information in the IEP stems directly from the comprehensive evaluation report.

Triennial Evaluation

The complete assessment process is repeated for each child in special education at least once every 3 years. This is referred to as the *triennial evaluation*, the purpose of which is to determine whether the student is still eligible for special education. The triennial evaluation is intended to make sure that the placement and services are appropriate for student's changing educational needs. For that reason, reevaluations can be more often than triennial, at the request of the parent or teacher.

The big difference between the initial evaluation and the triennial, or reevaluation, is that students do not have to go through the same complete battery of tests they went through the first time. As long as the reevaluation addresses the student's current needs, it does not have to be identical, although it should be similar to the original placement evaluation.

CHAPTER SIX

What Does *Inclusion* Mean, and What Does a Principal Need to Know About It?

Few topics surrounding the education of students with disabilities have generated as much controversy as that of the debate around inclusion. It is important for principals to know the history of this concept, what the law does and does not say about inclusion, and methods for providing services in inclusive environments to students with disabilities.

The goal of this chapter is to assist in clarifying the roles of the principal and staff as they relate to inclusive classrooms. The chapter describes the history behind the debate in an effort to clarify the educational and philosophical stances of the differing opinions about inclusion. It also includes a description of the principal's leadership role in the education of all students.

What Is Inclusion?

Inclusion is the term currently used by educators to describe the educational placement of students with disabilities in general education classrooms. By itself, inclusion is an imprecise term, since it is practiced very differently from one school district to another and even within the same district. It has been defined as the meaningful participation of students with disabilities in general education classrooms and programs. What is meant by meaningful? What is meant by participation?

What Is the History of Inclusion?

Some principals feel that inclusion was thrust upon general educators without warning, historical rationale, or preparation. Only the last of those three complaints is partially justified. Inclusion has a long history, although it sometimes was discussed in other terms or represented other ideas. It also has an important legal history.

There are different terms associated with inclusion, each signifying a different historical period. Those terms are *mainstreaming*, the *Regular Education Initiative*, *inclusion*, and *full inclusion*. They are not synonyms, although they are often used interchangeably. Each signifies a period in the development of inclusion. Each also signifies a philosophical stance concerning where students with disabilities should be educated.

Mainstreaming

Mainstreaming is the term that was used to describe the education of students with disabilities in the 1970s and early 1980s. It refers to working to include students with disabilities in general education classrooms for at least part of the school day. A student with a disability would spend most, if not all, of the day in the special education class. When the student demonstrated the ability to behave well and handle the curriculum, he or she would be mainstreamed into the general education classroom for part of the day. Students were considered mainstreamed if they spent any part of the day with general education classes. Most students with a disability spent most of the school day with the special education teacher and would go to mainstream classes for nonacademic activities such as lunch, recess, physical education, and perhaps art and music.

The only students who participated in mainstreaming were those with mild disabilities, such as learning disabilities or mild mental retardation. Students with more severe disabilities and those with serious behavioral problems had no real opportunity to participate with peers. Even those with mild disabilities often had little, if any, real opportunity for meaningful participation and the development of long-term relationships with their general education peers. This was further exacerbated by the fact that many general education teachers felt that students with disabilities were the responsibility of the special education teachers and that these students were just added on in activities that really did not count.

The goal of mainstreaming was integration for some part of the day for the purposes of instructional and social integration. Mainstreaming worked better in some locations than it did in others. It was supposed to vary with the needs of the individual students, with those who needed more support receiving appropriate attention while others who did not need this additional support were educated in the general education classroom. Among the problems was a lack of individualization (e.g., a tendency to put all students with disabilities together in a separate class) and the fact that students with mild disabilities had to "earn" their place back in the general education setting.

The Regular Education Initiative

Although mainstreaming worked for some students, it did not work for many—especially for students with severe disabilities. In addition, students with disabilities were commonly believed to be the responsibility of special education teachers and staff. In 1986, Madeleine Will, U.S. Assistant Secretary of Education, proposed that general education teachers and staff take on more of the responsibility for educating students with disabilities. The proposal, the Regular Education Initiative (REI), was the culmination of meetings and discussions about the implementation of Public Law 94-142, The Education for All Handicapped Children Act.

The REI shifted the debate about who had the responsibility of educating students with disabilities. Under mainstreaming, this responsibility lay with special education. Now, general education teachers and staff were asked to take more responsibility.

This might seem like only a subtle shift, but it was a major philosophical

shift in the provision of services to meet the needs of students with disabilities. Previously, when a student was found eligible for special education, the student became the responsibility of special education. Now, there was the expectation that the student would begin to receive services from special education but would still participate in the general education classroom. In addition, the general education teacher assumed responsibility for at least part of the student's education. REI helped change the debate about the provision of services, and it laid the foundation for inclusion.

Inclusion

The debate shifted under REI; however, some students with severe disabilities still did not get the chance to participate in general education. *Inclusion* was a term introduced by those interested in including students with severe disabilities in general education classrooms. Under *full inclusion*, all students with disabilities are to be educated in general education classrooms. Proponents of full inclusion see no need for services to be provided in other locations to students who have disabilities or are at risk; those services can be provided in the general education classroom. With full inclusion, all students with disabilities, regardless of type or severity, are taught in general education classrooms with the supports needed to meet their needs.

Even though *mainstreaming* was the term used to describe efforts to integrate students with disabilities in the 1970s and 1980s and *inclusion* is the term used today, they are often difficult to differentiate in practice. So what is inclusion? Inclusion implies that the general education teacher will change his or her teaching methods so that all students will benefit from instruction and participate fully, both academically and socially. However, this is quite different from the reality of most classrooms. The intent of inclusion is that students with disabilities will be taught outside the regular classroom only when all available methods have been tried and have failed to meet their needs. If, under inclusion, a student is pulled out of the general education classroom for instruction in another placement, the intent is for the pullout to be temporary and for the student to be reintegrated into the general education classroom as soon as possible.

What Do the Regulations Say About Inclusion?

The presumption of the law is that students with disabilities will be educated to the maximum extent possible with children without disabilities. Specifically, the presumption is that

> to the maximum extent appropriate, children with disabilities, including those in public or private institutions or other care facilities, are educated with children who are nondisabled; and that special classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. (§ 300.550)

These statements do not imply that every child with a disability has to be included in the regular classroom all the time. The presumption of the law is

that a continuum of services (of differing types and at differing levels of inclusivity) will be available for every student.

The continuum is an important concept to keep in mind when talking about inclusion. It is also an important part of the Council for Exceptional Children's (CEC's) policy on inclusive schools, which is that

- a continuum of services must be available for all children, youth, and young adults.
- inclusion is a meaningful goal to be pursued in our schools and communities.
- children, youth, and young adults with disabilities should be served whenever possible in general education classrooms in inclusive neighborhood schools and community settings.

Continuum of Alternative Placements

The federal regulations on the continuum of alternative placements, in conjunction with the statements about education in the least restrictive environment (LRE), provide most of the fodder for the debate around inclusion. The federal regulations specifically state that

- Each public agency shall ensure that a continuum of alternative placements is available for special education and related services to meet the needs of children with disabilities.
- The continuum must include the alternative placements listed in the definition of special education (i.e., instruction in regular classes, special classes, special schools, home instruction, instruction in hospitals and institutions).
- Supplementary services (e.g., resource room, itinerant instruction) must be provided in conjunction with regular class placement.

The regulations go on further to describe how to determine placement decisions:

> Each public agency shall ensure that—
>
> (a) The placement decision—
> (1) Is made by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and
> (2) Is made in conformity with the LRE provisions of this subpart,
>
> (b) The child's placement—
> (1) Is determined at least annually;
> (2) Is based on the child's IEP; and
> (3) Is as close as possible to the child's home;
>
> (c) Unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school that he or she would attend if nondisabled;
>
> (d) In selecting the LRE, consideration is given to any potential harmful effect on the child or on the quality of services that he or she needs; and
>
> (e) A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum. (§ 300.552)

The guidelines are not just for academic programs; there are important statements about nonacademic settings as well:

> In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, each public agency shall ensure that each child with a disability participates with nondisabled children in those services and activities to the maximum extent appropriate to the needs of that child. (§ 300.553)

In summary, students with disabilities must be included in general education to the maximum extent possible; however, they do not have to be included when inclusion does not meet their particular needs. This point will become clearer after the history of inclusion is reviewed.

The Debate Around Inclusion

As noted earlier, inclusion is probably one of the most contentious issues in special education. As a principal, you need to understand both sides of the debate.

Instead of framing the debate as "reasons for inclusion" and "reasons against inclusion," we will frame it here as "reasons for inclusion" and "reasons why inclusion may not be the best choice." Students should be educated in the least restrictive environment; however, the LRE requires work in order to be successful.

Reasons for Inclusion

1. The general education classroom is the location where all of the other students of the child's age are educated. Students are generally in the same class with other children they know.
2. When inclusion is successful, *all* students benefit—those with and those without disabilities.
3. There is a serious stigma associated with removal of students from the general education classroom.
4. When students leave the general education classroom to receive support, they are losing valuable instructional time.

Reasons Why Inclusion May Not Be the Best Choice

1. The general education classroom is not individualized, and it does not address the needs of individual students.
2. Special education classrooms are often more structured than general education classrooms, and therefore students with disabilities have a greater chance for success and improved instructional time.
3. Not all special education services can be provided in the general education classroom. In addition, if they are provided, they can be disruptive to the rest of the class.

4. General education teachers and staff are not trained in how to work with students with disabilities.
5. If the student with a disability does not receive appropriate supports, the student falls further behind his or her peers.

There have been many court cases relating to inclusion and education in the least restrictive environment. What the courts have found may seem different from case to case. For instance, in Kentucky, Ohio, Michigan, and Tennessee the question addressed by the court has been: Can the educational services that make a segregated placement superior feasibly be provided in a nonsegregated setting? In Texas, Louisiana, and Mississippi the question has been: Can education in the general education classroom with supplementary aids and services be achieved satisfactorily?

One of the cases involving inclusion was the *Oberti v. Board of Education* case. The following guidelines from this case will help answer questions about whether we are doing what we are supposed to be doing as educators.

> A school district is prohibited from placing a child with disabilities outside of a regular classroom if educating the child in a regular classroom with supplementary aids and support services can be achieved satisfactorily. Factors to consider in determining whether this can occur are as follows:
>
> A. Steps taken by the school to try to include that child in a regular classroom.
>
> B. The comparison between the educational benefit the child would receive in a regular classroom—social and communication skills, etc.—and the benefits the child would receive in a segregated classroom. Thus, a determination that a child would make greater academic progress in a segregated program my not warrant excluding that child from a regular classroom.
>
> C. Possible negative effects inclusion may have on the education of other children in the classroom.

Additionally, if placement outside of a regular classroom is necessary for the child to receive educational benefit, a school district may still be violating the Individuals with Disabilities Education Act (IDEA) if it has not made sufficient efforts to include the child in school programs with nondisabled children whenever possible.

Finally, a school district must consider the whole range of supplementary aids and services and must make efforts to modify the general education program to accommodate a child. If a school has not given any consideration to including the child in a general education classroom with supplementary aids and services and to modifying the general curriculum, then it has most likely violated IDEA's mainstreaming directive:

> The Act does not permit states to make mere token gestures to accommodate handicapped students; its requirements for modifying and supplementing regular education is broad. (*Oberti v. Board of Education*, 995 F.2d 1204 [3rd Cir. 1993] 19 IDELR 908)

Using this summary will help answer your questions about meeting the requirements of inclusion. Keep in mind at all times that the placement of a student with disabilities should be made on the basis of that student's particular needs.

How Is Inclusion Determined?

Many factors help determine where a student with a disability should be educated. The presumption of the law is that students with disabilities will be educated along with students without disabilities to the maximum extent appropriate. Moreover, following the outline delineated in the *Oberti* case, students with disabilities should be removed from the general education classroom only when the nature or severity of their disability prevents them from receiving an appropriate education there.

Given that, and knowing the purpose of the continuum, how exactly is inclusion determined? The individualized education program (IEP) team determines the education a student with a disability is to receive and the aids and services necessary to support that student. The IEP is individualized and includes a description of the steps taken to delineate the child's needs.

Leadership for Inclusion

Before the IEP is written, there are some important steps the principal should take to prepare staff for working with students with disabilities. These are in addition to the steps listed in Chapters 7 and 8, on what elementary and secondary principals should do to facilitate classroom accommodations and adaptations. These steps provide the foundation for inclusion and should be tailored to the individual needs of your school's teachers and staff.

Regardless of what you feel about the inclusion of students with disabilities in general education classrooms, the presumption of the law is that students will be educated in the least restrictive environment. With leadership from the building principal, inclusion can have numerous benefits for all involved. It is better to do it right from the beginning than to have to build staff support after the fact.

Steps in Preparing Staff for Working with Students with Disabilities:

1. Work to ensure that the staff is aware that the law specifically requires:
   - That, to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are to be educated with children who are nondisabled.
   - That special classes, separate schooling, or other removal of children with disabilities from the regular educational environment should occur only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.
2. Explain to the staff that this does not mean that students with disabilities will be placed in their classrooms without support; support will be provided. Teachers need to make changes in the methods and materials they use to ensure that the student with a disability receives an appropriate education. (This will be discussed in greater detail later in the chapter.)

3. Make sure that the staff and teachers know that most students with disabilities are already educated in general education classrooms most of the time and are included in almost all of the noncurricular activities, such as lunch, art, music, recess, and traveling to and from school.

4. Explain that students with disabilities often do much better in structured activities, and that many of them have already participated in some unstructured activities (see previous sentence) and they have often found success. Now, you are working to integrate them into more structured academic activities, and yes, it will take some work, but by working together you can achieve success.

5. Point out that, by far, most students with disabilities have mild disabilities. Explain that when looking at a student you cannot tell whether or not the student has a disability; that will be apparent only on written work.

6. Make clear to the staff and teachers that, as inclusion occurs, the decisions made for each child are individualized decisions. Explain that some students have behaviors or needs so different from those of the other students that they will need assistance outside of the general education classroom. However, they will be placed in other settings only after a concerted effort to meet their needs with supplementary aids and services in the general education classroom has failed.

7. Explain to the staff and teachers that you are not talking about a large number of students. In fact, you are talking about a very small number; most teachers will have only one or two students with IEPs in their classrooms at any given time. There will not be a large number of students with disabilities "dumped" into their classrooms.

8. Finally, explain supplementary aids and services.

As a principal, you have to be willing to support the teachers in your school. You need to ensure that the students with disabilities are evenly assigned among the classrooms. Special education has a term called *natural proportions*. This means that students with disabilities are in classrooms with other students in the same, or natural, proportions that they are in the general population. For example, the prevalence rate for students with learning disabilities is 6% to 7% of the total population. Therefore, you would work to keep the proportion of students with learning disabilities in a general education classroom to about 6% to 7%, or, in a class of 20, about 1 or 2 students.

Time Requirements

Successful inclusion that benefits all students requires a lot of time and a serious commitment. Time is needed for planning, meetings, inservice training, and conferences. The time provided must meet the needs of both the students with disabilities and the staff.

The time requirement is ongoing throughout the year, not just at an inservice session at the beginning of the school year. Students with disabilities have needs that change over the course of the school year, just like other students. Individuals who are working with these students will require opportunities to continue planning to meet those needs. Regularly scheduled meeting times should be built into the schedule for teachers to work, plan, and reflect on what

has occurred. The ideal would be reserved time each day, but more practical is reserved time once a week. It does not have to be long and involved time; 20 to 30 dedicated minutes would help prevent problems from getting out of hand and solve those that do arise.

Special meetings will also be necessary when something is not working for a student with a disability or for your staff. Examples might be the many different discipline issues that present themselves in today's schools or problems that arise in riding the bus. Allow time and provide support for the individuals who will have to attend those meetings. Not every teacher will want to attend meetings related to the problems one of his or students is having on the bus, but the teacher is more likely to attend if he or she does not have to miss a planning period. In addition, keep in mind that some teachers will be called on more than others. Do not overburden the same teachers with potential problems every semester. Plan with the teachers who will work with specific students, and discuss how the teachers will work together to meet the students' needs.

Make use of the inservice sessions provided for teachers to learn more about their profession. Determine what the teachers would like to know about working with students with disabilities, and find someone who has been successful in meeting the needs of such students. Have that person come in and talk about the process and what works for him or her. There is an old saying about inservices that the person is an expert if he or she has traveled more than 50 miles to get there. You can probably find someone who is closer and who is willing to come back and answer implementation questions a month or two later. If he or she cannot answer the questions, bringing together the teachers and staff could help determine what additional information is needed to solve problems.

Provide opportunities for the teachers and staff to attend conferences related to students with disabilities. There they can hear more about the latest trends in the field and visit with other teachers who are trying to solve similar problems in other districts. Too often, only special education teachers attend conferences related to students with disabilities. All staff members need information about the latest changes and opportunities to talk with others.

The Need for Commitment

The most important thing about working with students with disabilities in your school is a concerted commitment to work to provide for their education. You are the principal of *all* the students. Ways of demonstrating your commitment include (a) attending and participating in all IEP meetings; (b) asking questions about how students are doing; (c) providing positive reinforcement when students with disabilities are working effectively; and (d) providing positive reinforcement when special education teachers and other staff are working together to meet the needs of students with disabilities.

CHAPTER SEVEN

Classroom Accommodations: One Elementary School Principal's Experiences

by Alan Vaughan

School administrators should keep in mind that the gains some students make often are very small and come only after intense efforts. Instruction must be individualized because students have widely varying needs. Each student in special education has an individualized education program (IEP), and IEPs for different students may call for very different sets of strategies to meet their needs. Special education teachers deal with an incredible host of challenges each day. The following vignettes illustrate the variety of needs in one elementary school and the accommodations that have been made to meet those needs.

- Phillip, a student labeled as having emotional disturbance (ED), bites, hits, curses, or kicks his teacher whenever he encounters frustration that he is unable to work through. While the teacher is making progress with Phillip at reducing these outbursts, they are very draining. Phillip's doctor has prescribed medication that does significantly reduce the number of outbursts. Due to some undesirable side effects, the doctor has asked that the teacher work with Phillip for the next 3 weeks while she weans Phillip off the prior medication to get a behavioral baseline before trying a new medication. The teacher knows that this is important for Phillip but is not sure whether his teacher assistant can handle the additional stress. The teacher also knows that the seven other students in the class, each with unique problems, will be adversely affected by this, since Phillip will require even more time during this period.

- Sharon is a 13-year-old student with mild mental retardation who lacks some motor control and sensation in her facial area and has problems controlling drooling and a running nose. Because of the lack of sensation, she cannot feel that her mouth or nose needs wiping. Sharon needs constant reminders, and it is often faster for the teacher to wipe the mouth or nose herself as she is engaged in teaching Sharon and the other students. The teacher would desperately like to be able to help Sharon relate with students her own age. She has tried to pair Sharon with some caring students of the same age who she hopes can handle Sharon's appearance, but even the most mature students find it difficult not to be repulsed at times.

- Bart is an extremely bright 11-year-old fourth grader with a learning disability, although his greatest disabilities are an inability to cope with anger and frustration and an inability to remain focused on his learning. His parents will not consider placement in a class for students with emotional disabilities and frequently let his

medication for attention deficit disorder run out, renewing the prescription only when he gets in trouble. His teacher has worked with him for 2 years, investing a great deal of time and money and making significant progress in many areas. After a Herculean effort to on the part of this teacher and many others to help Bart, he missed the end of his fifth-grade year due to a long-term suspension. Bart lost his temper over an insignificant incident and then threatened to kill one of the teachers who had helped him during the year. He did not mean the threat, and if his parents had allowed him to get the help he really needed, he had the potential to be the finest of students

The examples just given do not include parents who may be demanding, disinterested, or ungrateful (although most are conscientious and very thankful for the caring of the special education teacher). They do not include limited resources, nor do they include administrators who, for many reasons, may not make special education the priority it should be. They do not even include the isolation that some special educators feel because their students are normally a small percentage of the total school population. Special education teachers meet these challenges on a daily basis because they care deeply about their students. Sometimes it can seem as if some special education teachers are not acting with as much logic and objectivity as you, the administrator, might like. Sometimes it can seem as if they are unreasonable in their insistence over certain matters regarding their students. That passion compels them to argue.

■ Sheila, a cross-categorical teacher, came to see me to express great concern that the physical therapist wanted to reduce the amount of one-on-one time she spent with one of the students in her classroom. The therapist had previously come to see me to propose this reduction, explaining to me that she was unable to make further progress with the student during the short, concentrated time she was in the classroom. For the therapy she was performing to be successful with the student, it needed reinforcement by the classroom teacher throughout the school day.

Clearly, both teachers strongly believed that each knew what was best for the child. I knew that I did not have the expertise to determine what was best. I then requested that the teacher, physical therapist, a special education administrator who supervised the physical therapy program, and I sit down with the parent and talk about what was best and why. The teacher had shown me work samples from the student that she strongly felt demonstrated that the student could benefit from the continued therapy. When I again told her that I thought it was better to wait until we had everyone together, she became visibly upset. I wound up taking much more time to repair the situation than if I had simply looked at the work and discussed the matter. It seemed so thoroughly logical to me to wait until the group met, but the teacher's passion for her student compelled her to press her point, even when she could see how busy I was.

Working with Teachers

As this example illustrates, possessing and demonstrating sensitivity to the challenges special education teachers face is an important quality for an administrator. Some ways of facilitating are described in the following paragraphs.

- *Ensure that special education teachers and their students are as much a part of all school activities as possible.*

By law, special education students must be educated in the least restrictive environment. This means that they should participate in the same activities as their regular education peers whenever appropriate. However, it often is not appropriate for students with disabilities to participate in certain aspects of school life, and this can foster a sense of isolation for both students and teachers. The teachers may have a sense of disconnectedness, for example, when the rest of the school rallies around taking a standardized test that their students may not even be able to take.

Some principals overlook special education teachers when inviting staff to development activities, since many do not consider them content teachers (although they certainly are). A special education teacher often gets the leftover classroom that is not suitable for a regular class, since the special education class is usually smaller. It makes perfect sense for special education students to be in that classroom, but although it is not intended as such, this still sends a subtle message that they are the "leftover" folks.

Special education students and teachers should be included in every activity and event, even if the actual academic value may be a stretch for them. We have invited special education teachers to staff development activities in which they might not have been able to use all of the techniques presented. However, special education teachers are masters of modifying material so they can use it with their students, and it will mean more than you know to them to be included. Have the special education department represented on every committee. This will require a conscious effort.

When we began our inclusion program 7 years ago, in which regular and special education teachers co-teach, we decided to list both teachers' names on all schedules, correspondence to parents, or other documents listing the classroom teacher's name. Otherwise, there could be a perception that the special education teacher is serving more as an assistant rather than a true co-teacher. The teachers have even combined their names into one name. For example, Mrs. Galford (regular education teacher) and Mrs. Pinello (special education teacher) became Galpin, Mrs. Napier and Mrs. Batten became Napbat, and Mrs. Pineda and Mrs. Kelso became Pinkel. (This year, we're wrestling with Mrs. Urania and Mrs. Kelso becoming Urkel!) Although the inclusion program has become standard operating procedure for our school, we still forget to include both names at times.

- *Intervene on behalf of special education teachers when appropriate.*

Special education teachers are often the last to get materials, textbooks, and computers, and principals work them into the school schedule last. Again, these all may be logical operations in the course of operating a school; it is much more efficient to deal with the bulk of the student body and the bulk of the teaching staff first. However, consistently leaving special education until last can still send an undesired message. Administrators can involve special education teachers in scheduling decisions and can often provide assistance in obtaining textbooks and materials.

- *Communicate to the rest of the staff that special education is an integral part of the program.*

The key is establishing a philosophy that integrates the special education component into decisions from the beginning, not as an afterthought. Often, not only do the special education teachers feel disconnected from the rest of the staff, but regular education teachers feel disconnected from special education teachers as well. Some staff would not expect to see special education teachers at an inservice session for a new reading program. They assume that special education teachers teach differently anyway. But in fact, whenever possible special education teachers are certainly teaching reading, and they can usually benefit from the same inservice activities.

Special education teachers can provide valuable inservice training and resources to staff members who are looking for strategies to utilize with struggling students, some of whom may be students with undiagnosed learning disabilities. Our school's special education department has volunteered to teach a portion of our school's gifted and talented education program, sponsored our annual Super Science Friday program (an event in which individuals from our community demonstrate how they use science in their professions), and have been involved with many other worthwhile activities that have made them an integral part of the fabric of our school.

Perhaps I should include a few comments about regular education teachers here as well. Just as I was when I was teaching, they are often somewhat unaware of what special education teachers experience every day. Unless a student with a disability is included in their class, or unless they are teaching in an inclusion model, they may have no association with the special education program at all. Their perceptions can vary widely. Because special education teachers can have very small classes, regular education teachers may view them as having an easier teaching load.

Since 1997, when President Clinton signed the reauthorization of the Individuals with Disabilities Education Act (IDEA), the law has required the representation of a regular education teacher at every IEP meeting. This is a meeting at which the parent, special education teacher, an administrator, and the student, when of appropriate age, sit down and establish an educational plan that specifies goals and objectives for the student. Some regular education teachers may resent the time commitment that this requires. Therefore, in addition to being sensitive to the needs and perceptions of special education teachers, it may benefit the special educator tremendously if you can raise the awareness and clarify the perceptions of the regular education teacher.

Many schools have disabilities awareness activities to raise the understanding and tolerance of students concerning their special education peers. These activities may include artificially removing one of the students' senses—for example, blindfolding students to simulate blindness, or having them try to trace the outline of a figure while looking into a mirror to simulate a fine motor problem. It may be beneficial to ensure that regular education teachers have an integral role in these activities. Our school has an inclusion program in which the regular education and special education teachers co-teach as a team. The inclusion teaching teams presented an inservice program for the rest of the staff to raise the level of awareness pertaining to the inclusion program. The

inservice program concluded with the "Top 10 Reasons to Do Inclusion" (à la David Letterman). It was one of the finest inservice programs I have attended, and it went a long way toward unifying the staff behind this program for special education students.

Exposure to students with disabilities is probably the fastest way to ensure greater understanding on the part of the regular education teacher.

■ Mary was the grade-level chairperson and had taught for 28 years. She clearly knew what she wanted to happen in her classroom and what she expected of her students. She had the routine down pat. When I approached her to determine whether anyone on her grade level would volunteer to have Sarah, a student with a disability, in his or her classroom, I expected she would ask the others about it. Sarah used a wheelchair and had difficulty moving her arms and hands accurately and speaking clearly. This was an experience that Mary had avoided for 28 years and could easily avoid for 2 more years before retiring. Although Mary was very compassionate, it surprised me when she reported that she would be the one to work with Sarah. She kept her class moving at a good pace, and they would have to go slower, both physically to help Sarah move and academically when they would need to wait for her to try and get the words out to answer questions.

Toward the end of the school year, Mary came to me to thank me for allowing Sarah to be in her class. She said the experience had made her students far sweeter and more tolerant than she could have ever hoped to do on her own. Working with Sarah accomplished two things. First, it made the students realize that a student with a disability is not really that different in the ways that count. Second, it made the students a little less likely to take their own good health and abilities so much for granted. They were certainly a little less likely to tease the next person they encountered who might be a bit different. They wanted to help Sarah, and the good feelings they experienced made them more likely to help others, even those who are not just like everyone else. Mary reported that the experience had the same effect on her.

Working with Parents

Parents of children with disabilities defy stereotyping; they are as varied as any other group of parents. Some are reasonable and cooperative; others may be your biggest challenges. Some parents think special education is a plot to get more funds or teachers. Others know the laws better than any lawyer and may insist on things for their children that do not seem necessary to you. Often they seem to be able to find a legal way for change. The frustration of dealing with a parent who will not allow a child to receive services even though the child desperately needs them is equal to the frustration of dealing with a parent who makes countless demands that don't seem necessary. Some behave this way because it is truly what they believe; others are involved more with dealing with their own doubts and fears. In between these extremes are many wonderful parents who will deeply appreciate your efforts to help their child.

■ Mrs. Johnson's son, Melvin, exhibited every sign of a learning disability. Without help, Melvin would probably become a dropout. Given his learning difficulties, he was fortunate to be able to get by at all, a tribute to the efforts of his previous teach-

ers and to Melvin's positive spirit. However, as Melvin watched other students master material that, no matter how hard he tried, he could not grasp, his spirit began to wane. Teachers in earlier grades had suggested having Melvin evaluated, but Mrs. Johnson flatly refused. Her aunt had been a schoolteacher and had told her that once Melvin was labeled, he would never succeed in school.

The advice of a trusted relative is a huge obstacle that sometimes is difficult to overcome. It took us 2 years to help Mrs. Johnson see that this was help her son needed. She saw how desperately hard the teachers were trying to help Melvin. She agreed to allow him to be tested only after we had won her trust over time and she believed me when I said that Melvin would not be placed in any other class without her permission.

If Melvin had an illness or disease, I reasoned to her, she would not keep the doctor from testing him to see what it was, would she? I told her that, while a learning disability is certainly not a disease, it is no more Melvin's fault that he may have one than it would be if he caught the flu. The hard part about a learning disability, I explained, was that you could not see it. If Melvin had a broken leg, it would be easy to understand why he could not run as fast as the other students could. However, a learning disability, which was keeping Melvin from learning as fast as the other students were, was invisible.

As to the advice from her aunt about the labeling, I asked her which was worse—to be labeled because you attended a class in which you got help for a disability that you could not help, or to be labeled as someone who wasn't successful in school? I asked her to ask an employer whether the employer had ever looked in some student's permanent records to see whether the student attended a special education class or had simply relied on the student's GPA and whether the student had graduated. I almost felt guilty and was concerned that I had coerced her too much when she finally signed his IEP after months of effort. However, his success and her satisfaction have long since washed that guilt away.

■ Mrs. Warfield has a son, James, who has Tourette syndrome, a disability that can result in physical manifestations such as facial tics and can cause the student to blurt out inappropriate words and phrases. James is often obsessive/compulsive in his mannerisms. He is a very bright young man when his behaviors abate enough to allow him to demonstrate his academic abilities. He can function for short periods, and his parents desperately want him to be able to make it in a regular classroom. He receives LD services in a third-grade inclusion classroom that has both regular and special education students.It becomes evident very quickly (especially when he repeatedly blurts out the f-word) that James is in the wrong placement. Understandably, this is creating tremendous difficulties for the teacher and the class. Even the most broad-minded of parents who appreciate the plight of the young man and his parents don't want their children exposed to that kind of language, especially in the classroom.

The young man probably would have been better suited for placement in another program. However, a well-meaning committee may have found that this was the only placement the parents would accept, and they wanted to try to provide assistance, hoping for the best. It put us in the position of suspending a student for an action that may have been beyond his control but that cannot be tolerated in a third-grade classroom. A situation like this also places an administrator on shaky legal ground, because a special education student has protection from suspension if his actions relate to his disability. As you might imagine, this situation placed extreme stress on the regular education teacher working with this young man in the inclusion classroom. We accessed all the help that was available from specialists and still were not able to bring about any real improvement in the situation.

It was only through spending a great deal of time with the parents to help them come to the realization that this was not the appropriate placement for their child

> that we were able to gain a correct placement. The combination of his disabilities made it difficult to find a placement that would truly address his needs. There were no other students in our school system with the same disabilities, so a good class fit was not in existence. The decisive factor occurred when the director of special education and I visited a program in another school system that would meet James's needs. The parents had witnessed the great efforts that everyone was expending to help James. Our being willing to search out the best placement confirmed that we were all simply trying to do what was appropriate. The parents then supported the change in placement.

If you have good people skills and are successful in dealing with regular education parents, you will probably be equally successful with parents of children with disabilities. Most parents respond very positively to someone who clearly cares about their child and is making the effort to do what is most appropriate for the student. Therefore, strategies for working with both groups are similar. They would include the following:

- *Invest the time required.*

You will probably spend a lot of time with parents of children with disabilities. Some days will seem longer than others. It is better to take the time when they request it of you than to fight it and wind up being in an adversarial relationship. Attend Child Study Team meetings and IEP meetings. Team members sign documents at those meetings obligating your school to provide services. Therefore, you need to be there.

We always try to communicate to parents that the IEP is a working document. This means we will change the IEP at any time to meet the needs of the child. Infrequently, you will encounter a parent who feels the need to meet often. Although some of these parents will attempt to take you in many directions, try to consider what is most appropriate for the child. Some parents will want to bring an advocate to meetings. The advocate is an individual who helps speak for the child and parents in such meetings. I have found that, generally, when the advocate sees that you really are trying to do what is most appropriate for the child, he or she can become a great ally to you in helping the parent understand your position.

- *Choose your battles carefully.*

Parents may request something you do not understand. However, if what the parent wants can be granted without it taking away from the rest of the program and it will not adversely impact the child, it may be wise to acquiesce. Those kinds of gestures are important and might go a long way toward demonstrating your good intentions when the parent has an unsupportable request. Also, do not turn down a request when you are not entirely sure of its appropriateness until you have had time to do your homework and determine whether the request is valid. I have had parents cite legislation to me that I knew was not on the books and then found out that it was signed 3 days earlier. That is when I learned that you can go online by computer to the state department of education home page and determine the status of recent legislation.

- *Do not hesitate to call special education administrators.*

There are certain circumstances in which thinking aloud to a parent and perhaps implying that you wonder whether a child might benefit from special testing or services might obligate your school system to provide those services. Stating that a student could benefit from the use of a laptop computer (since practically any student could benefit from this) might obligate you to provide a laptop for the student. You may need additional expertise to settle professional disagreements between teachers working with a student or between a teacher and a parent when opinions differ as to what is best for the student. Seeking out this expertise can help avoid a due process hearing or other legal actions when the dispute cannot be resolved and is appealed to a higher level.

In addition, you will more than likely encounter types of disabilities with which you are not familiar. When a parent asked me who would be providing inservice training to our teachers on the use of the auditory trainer her son needed to hear, I did not know what the device was or what it did. The best way I could support the student was to call in a hearing specialist to provide the needed assistance.

- *Communicate frequently with parents.*

Good communication is always a key in building trust in any relationship. Ensure that parents understand the accommodations you plan to make for their child. You may need to use an alternative system of evaluation for the student based on his or her disability. Explaining the system to the parents ahead of time and helping them understand why this is best for the student can ease their fears concerning their child's disability. For whatever reason, sometimes parents have developed a mentality of being a crusader for their child and fighting the good fight to get what their child is entitled to by law. Developing a relationship that consistently sends the message that the school and the parents are working together to function as a team to meet the needs of the child can soften and in most cases change that adversarial mentality.

Communicating frequently with the parents about the student's needs and progress demonstrates your proactive approach to seeking what is best for the child before the parent even asks. Be doubly sure to invite these parents to every meeting concerning their child, and then sit next to them! They want to feel that they have someone in your school who is looking out for their child, and the more members of your staff the parent sees falling into that category, the better.

One caveat in establishing an inclusion model like ours is to be sensitive in working with the parents of general education students. Those parents, particularly the parents of gifted students, may have an initial distrust of the model, thinking that it will lower the caliber of the class. We have held informational meetings for parents who expressed concerns when they saw two teachers' names coming home on their child's placement letters and then questioned inclusion for their child. Those parents can become the grandest promoters of inclusion when they see how it benefits their child. You know the program is successful when, at the end of the year, the parent who questioned you stringently at the beginning asks whether there is any way you could place their gifted child in the inclusion program.

Students in Special Education

Certainly, the most important group in special education is the students themselves. The strategies that have been mentioned in this chapter are all part of the same theme: Do what is appropriate for the child. Make the necessary accommodations to provide the assistance that students need.

An IEP should list the accommodations needed for the student, such as additional time to complete assignments, having material presented in ways that allow the student to learn best (e.g., reading a test to a student), or being able to go to a cool-down location when emotions run high. However, some accommodations are not so obvious or easy to spell out in an IEP.

■ Cindy was a fifth-grade student who used a wheelchair. When it came time to have our yearly awards assembly, it occurred to us that Cindy would not be able to get her wheelchair on the stage to receive her awards. The Americans with Disabilities Act (ADA) requires public buildings to be accessible for individuals with disabilities, but that is not always easy. We did not have the means or space to construct a ramp to get Cindy to the stage.

Cindy and her family would have been content if we had carried Cindy and her chair up the steps behind the stage or I had come down from the stage to give Cindy her awards. However, both of those solutions would set up a situation in which we treated Cindy differently. We wanted her to be able to receive her awards in a way that did not differentiate between her and the other fifth graders. The solution? We elected to give out all the awards from the floor instead of from the stage. The assembly went just as well, and Cindy lined up with everyone else (and flashed a beaming smile along with everyone else) to receive her awards.

■ Veronica could not control her drooling, but she loved to work on the computer. Although she wore a bandana around her neck to catch some of the moisture, it was not completely effective, especially when Veronica leaned forward. This created two logistical problems when it was time for Veronica to work on the computer. Moisture inside the keyboard certainly might be damaging, and the student who used the computer after Veronica might approach the keyboard with some hesitation. Veronica shined on the computer, and we did not want to have the situation hold her back in any way. We considered purchasing a keyboard cover, but that still required cleaning. Finally, we stumbled on using the clear plastic sleeve that the school newspaper came in each morning. It fit perfectly over the keyboard, cost us nothing, and we discarded it after each use.

Other examples of accommodations for students with disabilities include seating at the front of the classroom so students receive more attention, allowing additional time to complete work, and recruiting volunteers to come in and record books on tapes. The accommodations teachers use continue to expand with new challenges. The key is a philosophy of simply determining what is appropriate for the student and finding a realistic way to provide that accommodation.

Accommodations in Assessment: Grading Students Fairly

Another type of accommodation is in assessment. When a student has a visible disability, the disability is evident and no one would dream of expecting

the student to achieve in the same way as other students. Students with learning disabilities (LD) or other mild disabilities, however, usually look just like their peers without disabilities. Because of this, they may be graded unfairly by well-meaning regular education teachers. Many teachers think that no student can earn a B unless he or she has done the same work as anyone else who earns a B. However, there may be accommodations that have to be made for the student to be successful, and helping teachers understand why it is permissible—even necessary—to make these accommodations can help them achieve that success. Here is an example.

■ Erika was taking an exam in her physical science class. The special education teacher had offered to allow Erika to take the exam in her LD class, but the teacher wanted Erika to take the exam under the same conditions as everyone else, and Erika wound up failing the exam. The LD teacher came to me to intervene on Erika's behalf. She told me that Erika knew every one of the answers when quizzed orally, but Erika's disability caused her to have to labor so much in writing the answers that she could become confused and miss answers that she knew. When I spoke with the regular education teacher, she sincerely believed that Erika should fail since, using the same criteria as the other students, Erika had not been able to pass the test.

The teacher did agree to ask Erika the questions orally to see what she could do, and the amazement on her face was very apparent when Erika quickly answered each question correctly. Even with that, the teacher still felt she would compromise her standards if she passed Erika. It was not until I asked her whether the objective was for Erika to demonstrate that she *knew* the information or to demonstrate that she could *write* the information that the teacher acknowledged it might be fair to make adjustments.

Once teachers realize that the law mandates accommodations but, more important, that these are the right things to do for a student with a disability, they are supportive. In the lower grades, in which classes do not accumulate credits toward graduation, one compromise that I have found for certain regular education teachers who want to uphold stringent grading standards is to make a notation that the grade was achieved with accommodations. The child has done A work based on his or her disability, but would not have had an A, for example, if the teacher had not allowed the child to have extra time to complete quizzes and tests. This accommodation acknowledges that the child can demonstrate mastery of the material, just not in the same period. If the teacher feels that the student with a disability has done excellent work, the teacher marks the grade on the report card with an asterisk and makes a notation indicating the accommodation. This lets future teachers know that the child received assistance in obtaining the grade, but appropriately rewards a student (and thrills a parent) who has done his or her best. As you might guess, this begins to make the child feel more successful, which often enables the child to try harder, and the cycle of improvement continues.

Following an Inclusive Model

As stated earlier, the law requires students to be educated in the least restrictive environment. For students with more severe disabilities, this usually takes the form of inclusion. Students with disabilities who are included in the regu-

lar class often do not function at the academic level of their peers, but they can participate with the class during physical education, art, and music. This enables them to interact with age-appropriate peers. Although they cannot sharpen their academic skills with the class, they can work on their social skills. This is generally a win/win situation for everyone. The identified students feel a part of the class, and the class learns tolerance for others who may be different in some way. The students in the class generally develop great affection for the student(s) with disabilities, and they go out of their way to be helpful and understanding.

For students with learning disabilities that are less severe, a truly inclusive model can be a benefit. (Note: School districts interpret the term *inclusion* differently.) Our school has developed a co-teaching model for inclusion. Some students receive LD resource, meaning they spend less than half their day in special education. We have also found that many students in our LD self-contained classroom (i.e., students who receive special education services for more than half of the academic day) can benefit from the inclusion program.

Typically, identified students are functioning below grade level due to their disability. In a setting that doesn't employ co-teaching, these students are usually pulled out of their regular class and sent to an LD teacher for an amount of time each day that has been specified in their IEP. There may be a number of other identified students in the class with varying IEP goals and possibly from varying grade levels. The special education teachers work hard to find ways to bolster their students and help them find ways to compensate for their disability and achieve.

Despite the huge effort made by these teachers, the gap between the students' functioning and the grade level expectations generally widens as the years go by. The inclusion program is the only one I have ever seen that actually begins to narrow the gap. The teachers deserve tremendous praise and all of the credit for their dedication and hard work in making the program successful. They are willing to do whatever will best help a child learn, and they have made the program work.

We did not begin inclusion in the best possible way. I was appointed principal in July, and we were up and running with inclusion when school began in September. It is better to decide a year in advance that you will implement inclusion and then let your staff go through a preparatory year in which teacher teams are established and given some training in teaming. Allow them to go and observe a successful inclusion program to get ideas and learn what pitfalls others have encountered. Whenever possible, take only volunteers from your staff to participate in the program, because in some ways, inclusion requires more time and work from teachers.

For a regular education teacher and a special education teacher to teach together as a team, they must have time to plan together. Because you don't want to overload one class with students who have disabilities (3–4 is a good number in a class of 30), the special education teacher is usually paired with two regular education teachers at different times during the school day. The teacher may be co-teaching in one class in the morning while a special education teacher assistant is working with the other inclusion class, and then the roles are reversed in the afternoon. Therefore, the special education teacher may need to plan together with two or more other staff members. Scheduling

a common planning time for these teachers is an essential component of a successful inclusion program. I should note, however, that I have discovered many times that teachers gave up planning time, which was their only break during the day other than lunch, to work with their students and provide additional assistance. This resulted in the teachers' having to stay late in the evening to do their planning, but those are typically the dedicated, caring types of teachers you get when you ask for volunteers to participate in an inclusion program.

The only way you can truly ensure this common planning time is to schedule special education classes first, not last, when you create the master schedule. Our resource teachers have graciously volunteered to give up some of their time periodically to work with the class, in addition to the normal resource time, to free up additional planning time for the inclusion teachers. We also allocate some of our teacher assistants' time to the inclusion classes, since this allows us to use the teacher assistants to work with the neediest students.

States that have successfully mandated inclusion have generally lowered the special education teacher's caseload, which is the number of students in special education each teacher is responsible for supervising. For a small K through 5 school with only one LD teacher and a few special education students in each grade level, it may be impossible to schedule our model of inclusion. This poses a problem because the LD teacher cannot co-teach with teachers from all grade levels each day and meet the time requirements of the students' IEPs.

Schools must provide a continuum of services for students in special education, meaning that schools must tailor the program to the student instead of trying to get the student to fit into a predetermined program. Therefore, we still provide LD self-contained services, in which the students spend most of their academic school day in the special education classroom. However, I have seen very few students in a self-contained class who did not do at least as well, if not better, in an inclusive setting. Students receiving services in a self-contained setting are on the borderline of qualifying for services for mild mental retardation, behavioral disorders, or emotional disturbance.

In describing our model, let me emphasize that many schools may not be able to replicate the way our teachers have crafted our program; other educators have found that their own model is the most appropriate for their school. In my opinion, this has been what has worked best for our students. Parents, teachers, and administrators collaborate to provide services in many creative ways.

Benefits of Inclusion

We have witnessed tremendous benefits from our inclusion program for our special education students. Academically, socially, and emotionally, they have grown. When we moved students from the pullout LD classes into the inclusion classes, it was remarkable to hear the students comment about some of the benefits they experienced as they entered our model of inclusion featuring co-teaching. The students stated that they felt better about themselves, they found more success, and they were less distracted than in the pullout class where

they had been before. The students' confidence, achievement, and self-esteem all were raised. They were learning the same material, perhaps with some modifications, as the rest of their age-level peers. It greatly reduced their feeling of being different. Many of the students receiving LD resource instruction would have generally received about 1 hour of pullout instruction. With our model of inclusion, they have two teachers or a teacher and teacher assistant in the room working with them for most of the day, so they are actually getting a higher level of services.

We have found that the regular education students benefit as well. The benefits described earlier are present as the regular education students gain an awareness and understanding of learning disabilities. What has been a wonderful added bonus has been that the regular education students have benefited academically as well. The inclusion classes have actually been able to cover more of the curriculum and have achieved slightly higher test scores than the noninclusion classes. I know this seems almost too good to be true, but allow me to explain why.

We place students in classes using heterogeneous grouping. Each class on any grade level has the same number of students who are considered high, average, or low functioning, based on their overall performance and especially their reading level. We do not place any low-functioning students in our inclusion classes. The students with LD take those slots, and it usually works out evenly. Typically, there may be five or six low students in any general education classroom, and in the inclusion classrooms there are usually five or six special education students. The inclusion model has allowed those students to achieve at higher levels. These factors combine to raise the functioning level of the class. Couple that with the fact that you are adding a second teacher to the class, and it is not surprising that these classes can go a little further. No matter how wonderful any single teacher is, it is difficult to beat the performance of two wonderful teachers teaming together.

Conclusion

Special education is a growing area of the profession we have chosen, and as an administrator, various issues pertaining to special education teachers, parents, and students may challenge you. The interaction of special education programs with regular education teachers, parents, and students can even become an issue. You want to have a positive impact on their lives, and the assistance and guidance you have provided and continue to provide are part of the legacy you leave to our world. Students in special education are among those students who will benefit greatly from that love and caring, those creative gifts you provide each day.

CHAPTER EIGHT

What Does a Secondary School Principal Need to Know About Adaptations?

by Jan Andrejco

Over the past two decades, provisions for students with disabilities in the American high school environment have changed. A high school principal must plan carefully for students with disabilities by viewing them first as students requiring and deserving the same opportunities as others. The principal must also make provisions for the individual needs of each student. Balancing equal opportunities and individual needs is important in both planning a program and operating a high school.

Several factors should receive special attention when maximizing programs for students with disabilities. The school facility, staffing, parents, scheduling, cafeteria, extracurricular activities, and emergencies all should be under the watchful eye of the administrator.

The School Facility

Evaluate the school building and grounds to determine modifications necessary to give equal access to all students. A multistory school will require an elevator. If an elevator is not possible, all classroom facilities available on the upper levels must be made available on the ground level as well. Labs or specially designed classrooms for science, technology, business, and other subjects are necessary on the ground-level floor when a student who cannot access the upper floors takes a class offered in one of those rooms. The needs of students with disabilities should also receive consideration when placing certain programs or sections of classes in portable classrooms.

In developing the master schedule, identify the students who need special classroom accommodations. Once the master schedule is completed, check the schedules of the individual students to see whether they have any classes above the ground-level floor, and, if necessary, move a whole class of general education students to a classroom on the ground level.

For example, Chris, a student with severe cerebral palsy who uses a wheelchair, was working on a regular diploma and attended school in a two-story facility without an elevator. Chris was scheduled for biology, English, social studies, adaptive physical education, French II, and one resource class. English, science,

and foreign language classes were all located on the second floor of his school. The administrator relocated Chris's English class to a classroom on the ground-level floor. The science and foreign language classes also were relocated to the ground-level floor, as well as the equipment and supplies needed for these classes.

Other details in the building also need to be checked, including the height of the fire extinguishers, water fountains, public telephones, elevator controls, countertops in labs, showers in locker rooms, and restroom facilities. Outside the building, stadium seating should have ramp accessibility and space for wheelchairs. Concession stands and ticket booths should have counters at a height accessible to persons in wheelchairs. Curbing should have access for wheelchairs and adequate accessible parking.

Classroom space requirements may vary depending on the type of class or program operating in the classroom. One size classroom does not fit all programs. Some special education classes require more square footage than the typical classroom, while others function well in a smaller space. When building a new school, considering the space needs for each program could result in financial savings. A class for students with more severe disabilities, requiring special equipment and the assignment of more adult staff and volunteers, needs more physical space than the typical classroom. The classrooms for students with severe disabilities are best if equipped with a toilet and sink for personal hygiene instruction.

When assigning classes to rooms, the curriculum of the class and the normalcy of location within the building are important considerations. In particular, students labeled as having learning disabilities (LD) or emotional or behavioral disorders (EB/D) are self-conscious of their placement in special programs. The more an administrator can do to disguise LD and EB/D classrooms as general education classrooms, the more comfortable the students will be. For a larger special education department, spread out special education classrooms around the entire building. Large special education departments typically have multiple sections of the same disability. For instance, having four LD self-contained classes (LDSCs) may work best by locating two LDSC teachers near each other if the teachers will share students, and locating the other two LDSCs in another section of the building. This arrangement will accommodate program needs and assist in developing the positive self-concepts of the students.

Staffing

Selecting staff to teach students with disabilities is not a consideration limited to hiring special education teachers and special education teacher assistants. Consider the needs of students with disabilities when hiring all general education teachers, assistant principals, secretaries, counselors, custodians, bus drivers, cafeteria workers, and support staff. The students encounter virtually every type of employee.

Having students with disabilities in a high school may require one or more of the following support staff: physical therapist, job coach, occupational therapist, teacher assistant, nurse, personal teacher assistant, vision specialist, mobility specialist, speech therapist, and interpreter. Staff should have knowledge of IDEA '97 and other special education law. Interview questions should reveal the acceptance of persons with all types of disabilities and knowledge of techniques. A carefully planned staff development program is helpful in filling the voids.

Parents

By the time students with disabilities reach high school, many parents have had a difficult time with them. Typically, they went through an early adjustment period of accepting and understanding the disability. As the student progressed through elementary school, the parents began to advocate for their child a little harder. At the high school level, teachers and administrators should be aware of the struggle and be forthright with information while maintaining sensitivity to the needs of the parents and student.

Parents may show anger, as in the case of Sarah, a student who received LD services in a self-contained classroom from grades 2 through 8. As Sarah entered high school, her individualized education program (IEP) was written for placement in a resource setting. Sarah's parents knew she would need to earn all of the necessary credits to earn a regular diploma. Realistically, Sarah did not have the readiness skills to work on a regular ninth-grade curriculum. During the first few weeks of ninth grade, Sarah had discipline problems. The parents were sure that teachers were causing the problem because Sarah had never exhibited discipline problems before. A conference with her teachers revealed that Sarah was frustrated in class and unable to do the work. An IEP conference was scheduled at the request of the special education teacher to discuss Sarah's program. The administrator reviewed Sarah's most recent testing and her past progress and supported the teacher's recommendation to return to a self-contained environment.

One of the responsibilities of the special education teacher is to communicate information to parents. Many students with special needs have difficulty relaying important information about special events at school. Information about picture day, field trips, homecoming, student activities and events after school hours, graduation, prom, and senior banquet may not be relayed soon enough or accurately enough by students to their parents.

Parents will also need support from the school in preparing for the transition after high school. The school should provide parents with the names of resources, whether the needed resources are for supportive employment, vocational instruction, or college. IDEA '97 requires transition services (i.e., preparation for adult life, further schooling, and/or employment.) to be started by age 14. Transition planning and services are to be incorporated in the IEP, and an individualized transition plan (ITP) should be developed. Any student who is able to participate in IEP and ITP development should attend team meetings and participate as actively as he or she wishes. Transition planning may involve a variety of programs and techniques, including instruction in prevocational skills, specific job skills, social skills, and planning for independent or group living. Students planning to continue their education may need guidance and instruction in selecting a college or vocational school, completing school applications, and planning for job training or further course of study. Most will probably require instruction and guidance with managing personal finances and daily life skills.

For most parents, this child is the only child that they have with disabilities. Each year is a new experience for the parents as they move through the stages of development, looking at the needs of the child differently than they have for other children. The help of a caring administrator can provide support to the parents.

Scheduling

Constructing a high school master schedule is a complex process. The size of the special education department has a direct effect on the master schedule for several reasons. Students with disabilities typically require hand scheduling and flexibility on the part of the administrator using a computerized scheduling system. Each section of a special education class is like having a one-of-a-kind in the schedule. The more one-of-a-kind classes offered in a high school, the more difficult it is to construct a workable master schedule using computer technology alone.

Several provisions are available for consideration in a master schedule. For example, Laura is a student with a behavioral disorder who is working toward a regular diploma. Her progress has been good through the years, but she still needs support services above the monitor/consult level. Laura's IEP calls for her to receive one class of resource help in addition to the six regular credits needed to graduate. The school day is structured for six classes. Offering a before-school tutoring class (before the regular school day) is a good option that provides Laura with two advantages: It makes the fact that Laura is receiving the resource help invisible to her peers, and it will allow her to earn the six regular credits she needs.

In an alternative-scheduling model, such as 4 × 4 scheduling, at least two provisions can be made to assist a student, like Laura, who is working toward a regular diploma and requiring some assistance above the monitor/consult level. A 4 × 4-block schedule provides for 90-minute classes every day for half of the school year. A student with a disability could take one 90-minute class each term, allowing only three regular classes each term, or six regular credits per year. A student without disabilities has the opportunity to earn eight regular credits per year.

Another option would allow one credit of support services for a shorter length of time over the entire year, allowing the student to earn eight regular credits per year. Offering an early study class for 45 minutes every day would provide this opportunity. A second provision would allow one credit of support services for 90 minutes every other day, allowing the student to earn seven regular credits per year. To offer this provision, embed a resource class in the master schedule in an A/B format. Another frequently requested class, such as physical education, English, or keyboarding, is embedded in the same A/B format. The student attends the resource class on A day and the other embedded regular class on B day. A sample student schedule is provided:

Term I	*Term II*
Class 1 Chemistry	Class 1 Government
Class 2 Resource	Class 2 Resource
Class 3 English (A)	Class 3 English (B)
Class 4 Elective	Class 4 Math

When constructing a master schedule involving students with disabilities, hand scheduling and flexibility are important factors. There is no shortcut to developing a master schedule that will provide the curricular offerings required by the IEP.

Cafeteria

Most students with disabilities will not require any special accommodations while in the cafeteria. Some students may need assistance the first few days of school to understand and feel comfortable among the larger group of students. Directions given to students before lunch on where to get in line, how to request the food, how to pay for the meal, and where they may sit is helpful in avoiding confusion and frustration. Special education teachers, available in the cafeteria the first few days, can oversee the adjustment of students with disabilities and give assistance as needed.

Inform the cafeteria staff, before the students' first day of school, of any special dietary needs. For example, Jason, a student with mental retardation, required pureed food. The standard cafeteria equipment did not include a blender or food processor. Advanced planning was necessary to ensure that Jason's meals could be prepared. Teacher assistants can be helpful if there are a number of special food preparations needed and the number of cafeteria staff is limited. Taking a standard meal and chopping or pureeing it in a blender or food processor is usually all that is required.

Generally, no special seating accommodations are needed. However, designating one table or part of a table close to the serving lines is helpful for those students who need assistance in eating.

Extracurricular Activities

All extracurricular activities are available to students with disabilities. As many students as possible should be actively involved with these activities. How is this accomplished? Communication with parents is essential. Parents need to know what is available and in what capacity their student can participate. Teachers, coaches, and sponsors should actively encourage students with disabilities to participate, making them feel comfortable and part of the group. If a student's mental or physical disability does not lend itself to full participation in an activity, then the staff member should find a way to include the student in the activity. A wrestling team is a good example of just how some students with disabilities can become involved. The individual efforts of each wrestler contribute to the overall success of the team. This is a great way to improve the self-esteem of these students and to get the parents out to see their students compete. A student with a disability could also become a team manager or assistant.

Students with disabilities should also participate in extracurricular activities as spectators. This may require some extra effort on the part of both special education teachers and parents, but it offers students with disabilities the opportunity to enjoy nonacademic activities with their peers.

Emergencies

Every school has emergency plans developed for fires, bomb threats, and other crises. Students with disabilities require special provisions in these plans. A fire drill or serious incident can occur at any time during a school day. Preparing

in advance for such a circumstance is essential to the safety of the students and staff. After drafting the emergency plan, the administrator should identify the students with disabilities who will need assistance in evacuating the building or moving about the building should an incident occur and devise a plan. Information regarding the students' location within the building at all times of day must be readily available. The administrator should assign one or more staff members to each student needing assistance at each location throughout the day and make that staff member responsible for assisting the student. The special education teacher or assistant may not always be close to the students needing assistance.

For example, Tiffany is a student who uses a wheelchair and attends general education classes on the second floor in a school with an elevator. In the case of an emergency, the elevator cannot be used. In an evacuation, Tiffany is taken downstairs in her wheelchair by two staff members assigned to assist her in this way. In the case of a special education class with several students who use wheelchairs, the assignment of additional staff for assistance is necessary. Although these classes are staffed at a higher ratio, there are not enough staff members assigned to evacuate all of the students quickly and safely. Assign additional staff the responsibility for assisting these students.

Grading Practices for Students with Disabilities in a General Education Class

Students enrolled in a general education class are working to earn a regular credit that will count toward graduation. The student will be required to achieve minimum competencies or to pass certain courses and/or standardized tests. Questions often arise about what special accommodations and grading practices are appropriate for students with disabilities in these situations.

The minimum competencies required in a general education class must be completed or demonstrated if credit is to be awarded. However, the method by which the student with a disability earns those credits and how the student demonstrates the competencies may differ. Accommodations may be made in the instructional techniques and in the method of evaluation according to the terms of the IEP. It is important to remember to write any variation in evaluation in the IEP as an accommodation. Once the evaluation is completed, the calculation of the grade should be the same. An example follows:

General Education Student

Instruction: The teacher uses a multisensory approach when delivering instruction.

Grading: The percentages will vary according to school or district policy or teacher discretion:

50% pencil and paper test given in 60 minutes (or other designated time).

20 % quiz.

20% homework.

10% class participation.

Student with a Disability

Instruction: The teacher uses a multisensory approach when delivering instruction and provides any accommodations required by the IEP.

Grading: The percentages will vary according to school or district policy or teacher discretion. The weighting of grades should be the same as for the general education students:

50% pencil and paper test given in two 30-minute sessions; or using more time, given in two 45-minute sessions or one 90-minute session.

20% quiz—possibly given in the resource room.

20% homework—given a shorter assignment (fewer questions or problems).

10% class participation; if the IEP stipulates that the student should not participate in class, add 5% to the quiz grade and 5% to the homework grade, making them each 25%.

Integrating the Special Education Teacher

Special education teachers often feel as different as their students feel. With a little effort and direction on the part of the school administrator, the special education teacher can feel just as much a part of the school as the general education teacher. Conversely, the general education teacher can be just as accepting of the special education teacher.

Special education teachers should play an active part in the total operation of the school. Assign special education teachers as coaches and sponsors, to serve on committees, attend extracurricular activities, and participate in professional development programs.

It is far too easy for the school administrator to forget about the special education teacher when planning professional development programs. However, the special education teacher requires content-oriented and skill-oriented professional development just as all other teachers do.

Acceptance of the special education teacher by the general education staff can sometimes be the more difficult task. Special education teachers must take the initiative to communicate with the general education teachers. Often the general education teacher only sees the low numbers of students that a special education teacher teaches. That issue, generally, presents the first barrier to acceptance.

Special education teachers can do a number of things to improve their acceptance by general education teachers. First, good communication is essential. For a long time, special education teachers wanted anonymity for their students with special needs, to give them a "fair" chance. For many reasons, anonymity is not the best plan. All teachers are professionals. To do their jobs well, they need as much information as is available to provide the best education for all students. At a minimum, general education teachers need to know the accommodations required by the IEP. Early notification of accommodations is essential to the success of all stakeholders, the general and special education teachers and the student.

Special education teachers should communicate regularly with the general education teachers about specific students. The communication should include information on accommodations required by the IEP and any medical information or behavioral information pertaining to the classroom and learning. Time to listen to and discuss the concerns of the general education teacher is also an important element of communication. Communication should occur weekly at first and be adjusted according to the progress of the student. If a student is making sufficient progress, make contact at least at the midpoint of a grading period. If the student is having trouble, make contact several times a week. Total communication allows for discussions about accommodations, discussions about medical and behavioral issues, time to listen and discuss concerns, and regularity of communication.

Second, a special education teacher should be helpful to the general education teacher. If the special education teacher has a teacher assistant during a class in which there are only 2 or 3 students and a general education teacher has a full class that includes 5 or 6 students with disabilities, the special education teacher should discuss with the school administrator the possibility of assigning the teacher assistant to work in the general classroom.

Another way to be helpful to general education teachers and to students is to monitor student progress. If a student fails to progress, it is the responsibility of the special education teacher to schedule an IEP team meeting and discuss appropriate interventions for the student. If special education teachers stayed on top of this one issue, they would find that the students would meet with more success and the general education teachers would feel the support of the special education teachers.

General education teachers must also participate in IEP team meetings for their students, and this facilitates acceptance. The general education teachers will learn more about the special education teachers' jobs, learn more about the special education program, and gain a better understanding of the students.

Finally, special education teachers or the special education administrator should provide professional development activities for general education teachers on special education topics. The topics could include special education law, how to provide accommodations, how to participate in an IEP conference, and the special education process.

It is the principal's responsibility to provide the structure and opportunities in which special education teachers can become a part of the total school and in which the general education teachers will accept the special education teachers. Providing both direction and time will help the staff reach these goals.

CHAPTER NINE

What Does a Principal Need to Know About Due Process?

Due process in special education helps to provide parents and school districts an opportunity to work out, in a legally recognized manner, their differences regarding the education of particular students. As a principal, you need to know the rights and obligations of the parents and the district, the process, how to prepare for a hearing, what is involved, the principal's role, and what happens when the hearing is over. Your understanding of the due process procedures will assist your district in presenting information as accurately as possible to ensure an outcome that is in the best interests of the child.

What Is Due Process?

Parents may request a due process hearing to question a school's identification, evaluation, educational placement, or provision of services to their child, or to resolve issues relating to procedural violations. They may also call into question information in their child's educational records. Recently, there has been an increase in the number of due process hearings used to determine appropriate disciplinary actions for students with disabilities. A district may request a due process hearing if parents refuse to consent to the evaluation of their child, or if they refuse to agree to the placement recommended by the district.

Due process is commonly thought of in terms of a hearing, but it is much more than that. Due process encompasses the legal procedures and requirements of IDEA '97 and the state regulations protecting the rights of students with disabilities. It includes the written notices that need to be provided to the parents and the written consent of the parents to evaluation and services provided for their child.

Examples of written notices to the parents (or the child's guardian) include notices of the following:

1. The intent to evaluate the student because of a suspected disability.
2. Meetings to discuss the results of the evaluations that were done.
3. Meetings to discuss the development and/or writing of the student's individualized education program (IEP).
4. Any meeting to discuss actions or modifications to the student's IEP.
5. Any meetings or proposal of actions to reevaluate the student as a part of either the student's triennial evaluation or changes in placement.

6. Meetings to discuss related services provided, changes in related services, or termination of related services.
7. Meetings to discuss either the transition of the student with a disability away from school to a postsecondary provider, or exiting away from special education because of reaching the age limit of services.

These notices need to be provided to the parents in their native or preferred language, and efforts need to be made to schedule the meetings at a time convenient to the parents. If the parents cannot attend because of work or other obligations, make efforts to include them. An example of this would be a conference call with a parent while he or she is on break at work.

Examples of written consent that parents need to provide include:

1. Approval for initial evaluation.
2. Receipt of a copy of the procedural safeguards that are enumerated in IDEA '97.
3. Approval of the recommendations of the IEP team on placement and services to be provided.
4. Acknowledgment that notice was provided to them about impending changes to their child's education—for example, when the student will "age out" of services.

The provision regarding written notifications serves several functions. First, it meets the spirit of the law with the intent of involvement of the parents. Second, it meets the Supreme Court's definition of appropriateness. For a greater discussion of the Supreme Court's decision, see the *Rowley* case (*Hendrick Hudson District Board of Education v. Rowley*, 458 U.S. 176, 181 1982). The principal's role in the procedural requirements is as follows:

1. Ensure that a copy of the procedural safeguards is included in the student's folders.
2. Ensure that the parents or guardians have a copy of the procedural safeguards notice.
3. Be available to answer the parents' questions about information contained in the procedural safeguards notice.
4. Be available to meet with the parents to discuss their child's records with them.
5. Be available to participate in the multidisciplinary team meeting about the child's records and test results.
6. Be able to make an informed decision about the recommended placement of the student while in attendance at the multidisciplinary meeting (this may require background work on your part before the meeting).
7. Be available to meet with the parents and discuss their child's IEP.
8. Be available to meet with the parents and discuss the implementation of the IEP within your building.
9. Keep issues of confidentiality in mind when discussing special education issues with parents of children who do not have disabilities.

10. Be available to meet with the parents and discuss the implementation of related services (e.g., speech, occupational therapy, transportation).
11. Document the questions that parents or guardians ask you about the implementation of special education or related services for their child.
12. Keep the special education administrator(s) informed of when there might be a potential problem (perceived or real) in the education of a student with a disability.
13. Know when to ask others for help in working to solve problems.

Although this list might seem lengthy, it is often in the hands of the building administrator to answer parents' questions about education. The same questions would often be addressed to the principal if the child did not have a disability; however, under IDEA '97 there is a greater record-keeping requirement and specific procedures to be followed.

Impartial Due Process Hearings

The term *due process* is a legal phrase having to do with ensuring that those who are entitled to goods and services are treated appropriately. In special education, Congress included due process as a part of the original Education for All Handicapped Children Act of 1975 (Public Law 94-142) to provide a check on the system of providing services to students. For our purposes, due process hearings are defined as a procedure used to resolve differences between parents and the school district. They are referred to as *impartial due process hearings* because of the independence the hearing officer brings to the meeting.

Due process hearings take on different forms in different states. For example, in Pennsylvania a state-designated agency appoints a hearing officer. This hearing officer calls the hearing, runs the hearing, and is the author and disseminator of the decision. By contrast, in Delaware the hearing is held in front of a three-person panel: an attorney, a parent, and an educator. The attorney has responsibility for writing the decision. As a principal, you should become familiar with the form a due process hearing takes in your state. It also might be helpful to talk with your special education administrator to understand the subtleties of the system before you find yourself faced with such a hearing.

Either the parents or the district can request a due process hearing at any time they feel it is necessary to help resolve a disagreement. Most due process hearings are held at the request of the parents. An important point to remember about due process hearings is that no matter who requests the hearing, after a decision has been rendered everyone will have to implement the decision, regardless of which side has "won" or "lost."

The following are several reasons why a due process hearing may be requested:

- The parents are unwilling to provide consent for an evaluation of their child.

- The parents are demanding an independent evaluation of their child and the district does not think it is necessary
- The parents disagree with the recommendations of the multidisciplinary team.
- The parents disagree with the placement the IEP team recommends.
- The parents disagree with the services to be provided.
- The child is a potential discipline problem and services need to be changed.
- The parents feel the district has not followed appropriate procedures in the placement and/or education of their child.

Due process hearings are formal by nature. Often both sides will be represented by an attorney, with a stenographer present to record every word. The impartial due process hearing officer cannot be an employee of the district and may not have any personal or professional matters or interests that call into question her or his objectivity.

There are steps you need to complete before being called as a witness. Not every principal is called as a witness, and even if you expect to be called, you might never make it to the witness stand. If you are expecting to testify you need to:

1. Understand the issue(s) involved in the hearing.
2. Review your notes about times that you have had meetings about the student in question.
3. Review the student's files to get as accurate a picture as possible about the educational programming provided to the student.
4. Re-read and make copies of any policies you enforce in your school affecting this student.
5. Meet with the district's attorney about the line of questioning that might possibly be directed at you.
6. Make sure you can answer potential questions.
7. Determine whether you have signed your name on an official document for the student as the local education agency (LEA) representative.
8. Review the documents that the school district will enter as exhibits.
9. Review the witness list of the parents and try to remember any conversations or meetings you have had with any of them.

As you review this list, you must keep in mind that you are trying to provide as accurate a picture as possible of the educational programming from the school district's perspective. You are also trying to make sure that when you are called on the witness stand there are no surprises for your attorney.

In addition, if you are expected to be a witness you need to familiarize yourself with the educational programming being provided not only to the student who is the subject of the due process hearing, but also the other students with IEPs in your building. Questions you need to ask yourself about the educational programming include the following:

1. What does the district provide to meet the educational needs of this student?
2. Where does the student receive services? In a regular class or a separate class?
3. How do these educational interventions and services differ from those provided to students who do not have an IEP? Is it the same instruction, but just repeated more often?
4. What is specially designed about the instruction?
5. Are the educational interventions and services provided to the student by individuals trained in their use? Many schools rely on volunteers or aides, so it is important to determine whether the specially designed instruction provided to this student is delivered by someone trained in its use.
6. Are the educational interventions and services provided by someone certified by the state in the area of disability in which he or she is working? If not, what certification(s) does this individual hold?
7. How long has the person who is providing the service worked with students with disabilities like this one?
8. Do the educational interventions and services provided have research demonstrating their effectiveness with students who have a disability similar to the one with which the hearing is concerned? If so, what types of research? Is the research published in reputable journals?
9. Are there other educational interventions or services that could be provided to the student that are more effective? If so, by whom and where?
10. Can you describe the educational services this student receives to a layperson? Include the rationale, structure, and specifics of the intervention. For example, can you explain the difference between two different reading programs—clarifying which one is systematic phonics instruction and which one is not?
11. What is the student's disability?
12. Is there anybody on the staff who is knowledgeable about the disability?
13. How long has the student attended your school?
14. If the student attended your school in previous years, how successful were other teachers with him or her?
15. Where did the student go to school before attending your school?
16. Are there other students with similar disabilities attending your school? Other schools in the district? If so, what types of educational interventions and services do they receive?
17. Is there a clear tie between the assessment report developed for the student and the information contained in his or her IEP? For example, if the main points of the assessment report identify problems in math, does the IEP have clear goals identifying supports and instruction in math?

18. Is there a clear tie between the information written in the IEP and the actual services provided to the student? (For example, as written in the IEP, the student is to receive individual instruction 1 hour/day, and is actually only getting 20 minutes/day. Since there is a discrepancy, a change needs to be made either to the student's IEP or to the amount of instruction provided.)
19. Is the student receiving the assistance and services included in the IEP? (For example, the student is to receive support from an aide 3 hours/day, but the aide is often helping other teachers or making copies in the school office.)
20. When you observe in the classroom, what is a typical day like for this student? What is a typical day like for the teacher?
21. Is the complaint with the teacher? If so, has this teacher had complaints from students or parents before?
22. If this student is not passing his or her classes, what are the criteria or expectations for a passing grade? List these criteria as with and without support.
23. Do the individuals who encounter the student implement modifications written into the IEP? For example, does the student receive untimed tests in all classes specified in the IEP?
24. Does the student receive related services from someone trained in that specialty?
25. Finally, if the student receives instruction in the regular classroom with supports from a special education teacher, do the regular education teacher and the special education teacher meet on a regular basis?

One final point about getting ready for a hearing: All evidence expected to be used in the hearing, and a list of all individuals who might be called to testify, are to be made available to both parties at least 5 days prior to the hearing. Records that might be needed include all IEPs for the student, all records of meetings with parents, records of evaluation team meetings, psychological reports and assessments, copies of the student's work, and notes from observations of the student. Because of the 5-day rule, it is important that you get copies of all requested materials to the attorneys as soon as you are informed that a hearing has been requested. Do this even before the date for the hearing has been set. Providing the information as soon as possible will keep all the decision makers in the district (i.e., special education supervisor, superintendent) informed about what has been provided for this student and what might need to be provided, and may lead to either a quick settlement or easier negotiations if the case goes to mediation.

In addition, parents (and their attorneys) have the right to review all records. It is important to provide the information to the parents not only because it is their right, but because it will provide them with a better understanding of their child's educational history. The IDEA regulations state that

> the parents of a child with a disability shall be afforded . . . an opportunity to inspect and review all educational records with respect to-

(a) The identification, evaluation, and educational placement of the child, and

(b) The provision of FAPE to the child.

Mediation

Mediation is a dispute resolution process by which the parties work in a collaborative fashion to reach an agreement. Since 1997, voluntary mediation has been a part of IDEA. Most states already had a form of mediation as a part of their procedural safeguards. Congress established mediation because many individuals felt that due process hearings were too antagonistic, and they wanted another remedy for complaints. Mediation would occur before a due process hearing. It is a valuable part of the process of ensuring the appropriate education of students with disabilities.

There are different methods of using mediation. When a dispute over educational programming occurs, many individuals immediately think the only method of solving the problem is to go to a due process hearing. Mediation should be offered as a means of solving the dispute without having a due process hearing. Many disputes never make it to an actual hearing because the parties have agreed to the appropriate means of implementation (see "Never Getting to a Hearing" on page 110).

In mediation, an impartial individual who is knowledgeable about the laws assists the two sides in resolving their disputes and understanding the other's viewpoints. It is structured, with each party taking turns presenting their views, but it does not contain the full-blown presentation of facts that is involved in a due process hearing. In mediation, the intent is to focus on resolving conflicts. The third party (i.e., mediator) works to help both parties agree on a solution that everyone can accept. The difference between mediation and due process is that the mediator has no authority to impose a solution on either party. There are several benefits to mediation:

1. Both parties agree to the implementation of the plan.
2. Mediation is often far less time consuming.
3. Mediation focuses solely on the discussion of a workable solution instead of learning everything about the student's background history.
4. Mediation costs a lot less than a due process hearing.
5. Because mediation is not as adversarial as a due process hearing, both parties can often implement the agreement more easily.

The mediator puts the agreement in writing to help the parties understand what they are agreeing to. Many times, as a part of mediation, both parties sign a confidentiality agreement stating that they will not talk to others about the problems, the discussion, or the agreement itself.

Your role in mediation depends upon the role you play in the actual education of the student with a disability. You could be vital, participating in the discussion of the problems and the potential solutions. If you are part of the mediation process, unless you are given the authority to sign as the representative of the district, do not sign your name as agreeing to the settlement until you have discussed the agreement with your superintendent and received

approval. Your involvement could also be tangential: When an agreement is near, the representative of the district might come to you and ask whether the potential solution is workable. Regardless of the role you play in the mediation process, you have to be available to discuss logistics, and you have to be able to work to implement the solution in a confidential manner after the agreement is reached.

There is one last point about mediation that needs to be addressed. Although there are clear benefits to mediation, it should not deny parents their access to a due process hearing. There are appropriate times for a due process hearing, and the parents should move to that level as rapidly as possible if necessary.

Never Getting to a Hearing

A due process matter does not always go to a hearing. Just as in many court cases, there are often last-minute agreements. You may very well prepare for many hours, review the student's records, talk with the teachers who are providing services, and plan the line of questioning that will be addressed, and not be needed on that day. The first uninterrupted block of time the opposing attorneys may have had to sit down is when they show up for the hearing itself. They then may take the time to walk down the hall and sit and negotiate a settlement or realize the issues they thought they were going to address are not really the issues at all. Often the attorneys can narrow the issues down to just one or two, instead of a laundry list of every potential problem that could occur in a school.

If a due process matter does not go to a hearing, that does not mean the time has been lost. You have gained valuable insight into the workings of the special education program in your school, and you know more specifically the strengths and weaknesses of the services that are provided. You have also become intimately knowledgeable about the education of this one student. This knowledge will assist you in discussions with the parents, the staff, and others in the future.

Moreover, if the parties can agree without going to a hearing, you do not have to testify. This means you do not have to answer detailed questions about your program, and the opposing attorney will not cross-examine you. It also means that the interested parties may have left the table agreeing to the situation as presented, without having to go through the due process hearing itself.

The Due Process Hearing

There are different forms of due process hearings in different states. If your state has a two-tiered system, the hearing will be held before a single hearing officer who will make the decision about the matters at hand. Do not be intimidated by the formal nature of the process. With the background questions answered, you should be well prepared.

Location

Several considerations need attention relating to the location of the hearing:

1. Is there a meeting room big enough to hold the attendees comfortably?
2. Is the room accessible for individuals with disabilities?
3. Is the meeting room located away from the noise and traffic that exist in any building?
4. Are the office support staff aware of the location of the hearing to help direct participants?
5. Are the office support staff aware of the confidential nature of the process?
6. Is accessible parking available to all parties to the hearing?
7. Is there enough air circulation to keep the participants comfortable?
8. Are the chairs comfortable for sitting for long periods?
9. Is water available to all participants?
10. Are restrooms available and accessible for individuals with disabilities?
11. Are attending teachers provided appropriate substitute teachers? If not, are there plans to cover their classes while they are testifying?

Testimony

In preparing for the hearing, spend time with the school district's attorney going over the testimony you will have to provide. It is the attorney's responsibility to take a broader, more comprehensive view of the situation. The attorney will have talked with all the individuals who might be called to testify and will have a better understanding of the case the district will be presenting. Knowing this, he or she might help you in preparing your testimony.

The questions listed in the section on "Impartial Due Process Hearings" are provided to assist you in preparing for any questions that might be asked. They will help to ensure that you know all the necessary information before you testify. However, although the list of questions might seem long, it is unlikely that you will testify on all the matters addressed in those questions. For example, the teachers who are providing the service to the student would testify on the educational programming, and the special education supervisor might be called to testify about the provision of services for students who have similar disabilities in the district. However, it is important for you to have an understanding of the issues so that your answers are informed. This knowledge is also important in meeting the needs of the students in your school.

Each individual who testifies is sworn in, and a stenographer records the testimony. The stenographer's job is to record every statement made to help establish a clear and accurate record to assist with the writing of the decision. This record is important for appeals, and it assists with implementation after the hearing.

Your attorney will brief you on the questions that will be asked of you, letting you know where your testimony falls as a part of the whole case. After your attorney has asked you the questions as a part of the district's case, you will potentially be cross-examined by the attorney for the parents. If counsel does

not represent the parents, you could be asked questions by the parents themselves. As a part of the cross-examination, it is your job to answer the questions posed to you straightforwardly and honestly. Be careful of your body language during this cross-examination. A person can convey arrogance or a condescending tone very quickly with even the most honest of answers. Therefore, be open to the questions, and answer them truthfully and completely.

One hearing may be all that is necessary. However, if it is a complicated case involving detailed issues, then multiple hearings might be needed. If this is the case, you will potentially have to reschedule substitute teachers for the teachers who will be in attendance, make sure the room is available, and make sure you are available if you will be called to testify.

What Happens When the Hearing Is Over?

A decision usually comes within 15 calendar days after the conclusion of the last hearing. The decision reached by the hearing officer is binding on all parties unless it is appealed. If it is appealed, then the student will stay in the current placement until the appeals are completed.

Due process hearings can be antagonistic proceedings. There may be positive statements made about the parents and the individuals providing services; however, there also may be negative statements. Because of the potential for negative statements, individuals sometimes leave a due process hearing feeling hurt or depressed. There are times in a hearing when an individual's professional competence or work ethic might be questioned. The parents may have placed their child in a different school and are requesting reimbursement because they feel your school is terrible and is not meeting their needs. And, there are times that negative statements might be made about the parents—that they let their child miss too many days of school because they don't have the energy to bring the child to school, for instance, or that they keep missing meetings or refuse to sign papers or notices because they can't read.

Regardless of what is said at a due process hearing or what is admitted into evidence, after it is over everyone has to work together to meet the needs of the student with a disability. The same parties who may have been sitting on opposite sides of the table arguing through their attorneys over the appropriate education of the student now have to sit together to implement the IEP. Sitting and working together after the hearing is important, but it can be tough to do sometimes.

You have to work with the other parties to implement the decision of the hearing officer. Work to take the lead in ensuring the timely implementation of the decision. There may be individuals who are unhappy with the decision, and you have to weigh the choices relating to whether or not to file an appeal. If the decision is to file an appeal, it must occur within 15 days of the receipt of the decision. If the choice is not to file an appeal, then the decision of the hearing officer needs to be implemented as soon as possible.

During the appeals process, the student with a disability is required to remain in his or her current placement:

> [D]uring the pendency of any proceedings conducted according to this section, unless the State or local educational agency and the parents otherwise agree, the child shall remain in the then-current educational placement of such child or, if

> applying for initial placement in the public school system, shall, with the consent of the parents, be placed in the public school programs until all such proceedings are completed. (§ 300.514)

This means that if the subject of the due process hearing was whether the student should be educated in a general or special education classroom, and the student was placed in a general education classroom prior to the hearing, he or she is to remain in the general classroom until appeals are complete. There are exceptions to this rule, however. If the student is dangerous to self or others, the IEP team should take appropriate action.

Finally, despite the hard feelings that may occur as a result of the due process hearing, it is important to remember the reason behind the request for the hearing. Most due process hearings requested by parents are the result of an honest attempt to provide the best possible education for their child. The parents' original hopes, dreams, and desires for their child now are different because the child has a disability. They are just seeking an appropriate education. How you define *appropriate* could very well be different from how others define it. The emphasis here should be on working with the parents to ensure that the student with a disability receives an appropriate education.

There are, however, parents who seem to want to have hearings just because they enjoy either the attention or the litigious process. These parents are in the minority. If, by chance, the parents with whom you are working seem that way, try to keep in mind the reasons why IDEA has procedural safeguards. They are in place both for the district and for the parents. That is why an impartial hearing officer makes the decision.

CHAPTER TEN

How to Select and Evaluate Special Education Staff

by Ron Miros

The comments and suggestions offered in this chapter regarding selecting and supervising special education staff come from the experience of a school principal. Most administrators have so many responsibilities to attend to that success depends on their learning how to focus on the critical or essential elements of any task.

Selecting Staff

Your program will dictate your needs. In most cases principals, assistant principals, and other administrators find themselves in the position of replacing staff in an already established program in which there is an established job description for the vacancy. However, administrators may also find themselves in the position of hiring staff for newly created positions. The hiring process and basic selection criteria are essentially the same for both.

The bottom line in hiring anyone is that you want to hire the most knowledgeable, competent, and cooperative person you can find. The more knowledgeable, competent, and cooperative your staff, the better your program is going to be. Your main goal in replacing staff or filling a new position is to find the most qualified candidate who meets these criteria and to do this in the most efficient and effective manner possible.

Efficient and Effective Hiring Practices

Let us take the concept of "efficient." There is no such thing as enough time when you are an educational administrator. So, since time is a nonexpandable commodity (you cannot turn 60 seconds into 120 seconds) and you have so little of it, you must either be efficient or face failure.

Regarding "effective," of course you want to hire the best possible candidates. You want your search and hiring process to produce new staff members who will complement your existing staff and have the qualities you are looking for. To achieve your goals, how will you go about soliciting candidates, setting up and conducting interviews, and making final selections?

There's a Vacancy to Fill. What Do You Do?

Once you learn that you have a vacancy to fill (and this may not be early as you would wish; some staff wait until the last minute to inform you of their plans), your next job is to begin the hiring process. The amount of preparatory legwork on your part will depend upon the interviewing and hiring system already in place in the organization you work for. If you are part of a good system, you will start with preselected résumés and an existing interviewing and hiring process. If you are in a small district, you may have to start from scratch with job postings, newspaper and journal advertisements, telephone calls to colleagues, and establishment of interviewing structures and procedures. These are major tasks in and of themselves.

Sifting Through Résumés

If the applicants are not prescreened, your next step is to sift through the candidates' résumés in a systematic fashion. In reading through the résumés for the first time, I suggest that you pencil check or highlight critical items (i.e., credentials, experience relevant to the vacancy) on each résumé. After the first read-through and highlighting of critical items, you are ready to sort the résumés. The best approach is to sort them into two groups, one for the candidates you would rate highest and one for all the rest, using a chart such as the one shown in Figure 10-1. You can create one chart for all candidates or one for each of the two groups. I suggest that you create the chart(s) on a computer so that you can edit and rearrange the information as needed.

Contacting Candidates and Establishing Appointments

Set up an interview with each candidate who should be interviewed and, if time permits, send an appointment letter specifying the time, place, and documents you would like to see during the interview. You might ask interviewees to bring such documents as a portfolio, a formally written report or paper, a unit and/or lesson plan, a standard teacher application (some states have initiated this practice), their résumé, a police check, a child abuse check, proof of citizenship, a driver's license, transcripts, and letters of reference.

Assembling and Chairing Your Interview Committee

Your next job is to assemble an interview committee. It is tough to live with staff complaints when they feel that they are not involved in the decision-making process. Therefore, my advice is to interview candidates, whenever possible, via a group format.

An interviewing committee should be neither too large nor too small. Group dynamics indicate that when a group gets larger than six to eight persons, it tends to divide into subgroups. To avoid this phenomenon, keep your interviewing committee to between three and six members. Have a staff representative from each of the following areas: a special education teacher (preferably one who works in the same building and at the same grade level); a general education teacher; an assistant principal; the building administrator; a central office administrator (the human resources person if possible); and the supervisor of special education. In some districts, it is the responsibility of the

FIGURE 10-1
Candidate Sorting Chart

Candidate's Name	Address /Phone Number	Credentials	Relevant Experience

supervisor of special education to set up interviews for new special education teachers. In this case, you will be an invited guest instead of the chairperson of the interview committee.

Developing Interview Questions

Once you have established your committee, the next step is to develop your interview questions. You may take several approaches here. One method is to rely on previously formulated questions. Often the supervisor of special education or the human resources director will have preprepared questions for use. Another approach is to convene the interview committee in advance of the interviews and decide on the topics to be covered and the questions. You can also decide who is going to ask which questions. Having the same person ask the same question(s) to each candidate helps to maintain uniformity. If there is insufficient time to convene the committee before the interview, you can solicit input via memorandum or e-mail. If all else fails, you can create the questions yourself and assign them to various committee members to pose during the course of the interviews.

No matter what questions you use, for equity reasons be sure you ask the same questions of each candidate. This does not preclude asking follow-up questions to obtain specific information about an area of experience or expertise that a particular candidate may have. However, by using a set of standard questions for all candidates, the committee members will have universal points of reference when narrowing down the candidates for either selection recommendations or follow-up interviews.

The number of questions asked during the interviews will depend upon the amount of time you have scheduled for each interview. If the interview committee is a screening committee rather than a final selection committee, schedule the interviews about 30 minutes apart and limit the questions to five or six. I suggest asking at least one question in each of the following areas: qualifications, classroom management, technology expertise, individualized education program writing and implementation, parent communication style, and collaborative practices. During the second-round interviews the questions can be more specific than the first-round questions.

You may also choose to pose both oral and written questions. Begin with the oral questions. Then, if the committee decides that the candidate is qualified, give him or her several questions to answer in writing before leaving. In close decisions, the candidates' written responses are crucial in helping to make the final decision, because they are available for you and the committee to re-read and discuss. In addition, answering written questions on an impromptu basis provides valuable information about how the candidate performs under pressure and how well he or she writes. Good writing skills are essential to any teacher's success. In the field of special education, poor writing skills can lead to due process hearings and/or professional and district embarrassment.

Figure 10-2 provides some questions and statements for both first- and second-round interviews. Select among them—or alter them as you would like—to suit your needs.

FIGURE 10-2
Questions and Statements for Interviews

General

1. Please take a few minutes and tell us about yourself, especially your background in special education.
2. The position vacancy for which you are interviewing is a . . . . [Describe the position—e.g., elementary resource room teacher, high school special education itinerant specialist, full-time co-teacher in a regular education elementary classroom.] What coursework and/or experience in your background have prepared you to take on the responsibilities of this position?
3. If hired to teach this group [referring to the question above], what could your supervisor expect to see in terms of classroom arrangement, learning center displays, wall hangings, and board displays in your classroom?
4. Describe the system of classroom management you would use with this group of students, along with the rewards and consequences of that system.
5. How would you go about the process of initiating and maintaining communication with your students' parents or guardians?
6. How would you go about the process of making the general education curriculum accessible and meaningful to the student?
7. If paired with a general education teacher, how would you go about the process of establishing a working relationship with that person?
8. Describe your background in educational technology. Highlight specific pieces of equipment and software that you have used while taking coursework and teaching students.

More Specific

Select among these questions depending on the type of position for which the candidate is interviewing

Lesson Planning, General Curriculum, Assessment, and Teaching Strategies and Techniques

1. Describe the essential elements of a good lesson plan.
2. What kinds of reading programs have you been taught to use or have you used in your teaching practice? What is your position regarding the use of the phonics/linguistics approach versus the whole-language approach to reading?
3. What criteria do you use to determine your reading groups?
4. What kinds of adaptations/accommodations have you used with students to help them meet general education standards?
5. How do you interface with specialists (e.g., speech/language teachers, occupational therapists, physical therapists, vision specialists, hearing specialists, adaptive equipment/assistive technology specialists, behavioral specialists) and how do you incorporate their suggestions and treatment into your planning and instruction?
6. What is a special education teacher's role regarding supportive, inclusive instruction in the subject areas of math, science, and social studies?
7. What is a special education teacher's role in subjects such as art, music, computer keyboarding and applications, and physical education?

FIGURE 10-2 (continued)
Questions and Statements for Interviews

8. When working with several students in a resource room setting, how do you organize students' instructional activities to meet all of their individual needs?
9. What specific standardized assessment tests do you feel confident in administering and scoring in order to obtain present educational levels for a student?
10. What kinds of informal assessment devices or techniques would you use to determine present levels of performance?

Classroom Management/Discipline

1. Have you ever used time-out procedures? If so, please explain.
2. What is a functional behavioral assessment? Do you have any experience initiating or using the results of one?
3. How are discipline rules different for special education students than for students without disabilities? [Assuming that the candidate knows that there are differences between the two]: What are your thoughts about these differences?
4. What is a manifestation determination, and what is its purpose?

Individualized Education Programs

1. What are the main sections of a standard IEP?
2. What is the difference between a goal and an objective?
3. What is the difference between an accommodation/adaptation and a modification?
4. Give a brief definition of "related services" and give some examples.
5. Concerning state- or district-wide testing, what criteria would you use to determine whether a student should participate with or without accommodations?
6. What are the essential elements of a secondary transition plan?
7. How would you go about sharing students' IEP content with their regular education teachers? How would you handle conflicts with these staff relating to noncompliance on their part with items contained in the IEP?
8. How often must you revise an IEP?
9. Who are the minimal members of an IEP team? When must you invite a student?
10. When is it necessary to reconvene the IEP team?

The Interview

As chairperson, you should be the one to introduce the candidate to the interview committee members. Make sure that you have thought out in advance how you will introduce each staff member. You do not want to make the mistake of mistitling one of your staff.

During the introductions, look to see whether the candidate makes an effort to shake everyone's hand and makes good eye contact. This initial self-presentation by the candidate will give you some indication as to how he or she will approach other staff and parents.

Demonstration Lesson

Asking a candidate to teach a demonstration lesson is becoming an increasingly popular practice. This is a good way to see whether a candidate is able to put into practice what he or she has talked about in the interview. Some candidates can present an excellent showcase of knowledge during the interview but cannot deliver in front of a class. Others who may not present well in an interview can be excellent teachers.

Beyond issues of knowledge and competence are qualities of caring and empathy. There is no scientific measurement for these qualities. Nevertheless, if they are not present, then optimal learning is not going to take place. All learning has affective elements. Students will learn better from teachers with whom they can establish affective bonds. Look for "heart" in every candidate. If you do not see it, move on to the next candidate.

Demonstration lessons are usually part of the second-round interview. In this way the committee will only observe demonstration lessons of the top candidates, and will therefore make efficient use of their time.

The Decision-Making Process

Final decision making is the toughest part of whole process. How you proceed here depends upon your management philosophy. Those who believe that the final decision rests with the building principal will operate in one manner, while those who believe in group decision making will operate in another.

If you opt for the "principal chooses" route, make sure the committee members know this in advance and you have good reasons to go against the majority of the group. If you go against the group's consensus, you are the one who is going to take the blame if the candidate turns out poorly. If you opt for the group consensus route, then make sure that the group has adequate time to discuss the merits and deficits of each candidate. If the group is having difficulty coming to consensus regarding which candidate to send to the superintendent for approval, it is a good idea to have the group take a break until another time. During that break call the candidates' references. Often this new information will make the difference. Another phenomenon is that interview committee members, once they have had a chance to think through the information discussed in the group and confer with others one to one, will come to a different conclusion.

Evaluating Staff

This section covers three specific areas: (1) mentoring of new employees; (2) initial observation of and comments to new employees; and (3) observation and professional development of veteran employees.

Mentoring of New Employees

If your district does not already have an established mentoring plan for new employees, then you are in an unenviable position similar to that of the principal who must do preliminary legwork (e.g., post job notices, place ads) before beginning the interview process. Because most districts today have some kind

of mentoring process in place, we start with the assumption that your district has such a process but that it may not be designed to handle special education teachers.

Providing a mentor for a special education teacher is much different from providing one for a general education teacher. For one thing, the pool of veteran teachers from which to choose a mentor is much smaller. For another thing, the kinds of paperwork and activities the special education teacher will be expected to deal with will be very different from those of the general elementary or secondary teacher.

Matching the new teacher with a knowledgeable, competent, and friendly veteran is an essential ingredient to a new teacher's success. New teachers want to please. They will take their cues from the person chosen to "show them the ropes." Do you want your new candidate—one whom you put a great deal of effort into hiring—influenced by a marginally competent veteran? This can happen. If you are not already in charge of choosing the mentors for your staff, then become part of the team that makes such decisions.

It is also important to have control or influence over the handouts new employees receive. In most cases, there is a general packet of materials given to all staff whether they are general or special education, elementary or secondary. There is usually a dearth of specific information for the special education teacher.

There are some good reasons for this. First, special education law and regulations and case law change frequently. By the time practice and procedure catch up with the last round of legislative changes, department of education regulations and interpretations, and administrative and trial judge decisions, it is time to change again. In other words, changes are ongoing and constant. Keeping up with these changes, even for a specialist, is challenging. For a principal for whom special education is only a small portion of the job responsibilities, it can be overwhelming. Second, most employees who have the responsibility for creating the mentoring system and the orientation of new employees are not familiar with special education. They often feel so overwhelmed with all the needs of new employees that they do not have the time or energy to devote to specialized training for special education staff. Here is where you step in.

If you are not well enough versed in special education procedures and law to supplement the general mentoring process for your new employees, then try one of the following tactics. If you have one, work with the supervisor of special education to put together a special education manual (more about the manual later). If you do not have a supervisor of special education, contact a consultant from your local county, regional cooperative, or state education agency and ask whether someone there might help you develop a manual. They may have one on hand that they use with their regional or county cooperative staff. Minor modifications may be all that is necessary to convert their manual to your needs. Finally, select one of your special education teachers to put together a manual for you. If you can't pay this person, make some arrangement in trade-off time, such as allowing that person to leave early on certain days or freeing him or her from some general duty (e.g., hall, recess, lunch, bus, study hall). However you create or obtain one, a special education staff manual is an absolute necessity if you wish to run an efficient and effective special education program.

Figure 10-3 provides a list of suggested topics for consideration when creating or adapting a manual for your use. You should include along with these documents an explanation of, among other things,

1. Their purpose.
2. How to fill them out.
3. To whom and when to submit them.
4. Their expected turn-around time for processing.
5. Which ones can be modified and how and which ones may not be altered.
6. Where to obtain copies.
7. Which ones might be available through electronic means.
8. How and when to suggest revisions.

Initial Observations of and Feedback to New Employees

The question of how and when you observe new staff is often a matter of style. Some principals believe in letting staff know when they are going to observe and go as far as using a clinical model. Others believe in the "surprise-I'm-here" approach, and some operate under both provisions. Most principals prefer the former for new staff.

My first suggestion is not to do any formal observations in the first 2 months of a new teacher's placement with you. Even for a veteran teacher, it takes time to acclimate to (a) new district, building, and departmental procedures; (b) new staff, student, and parent personalities and demands; and (c) new district, building, and departmental curricula. This is an overwhelming challenge. New teachers do not need pressure from you at this time. It is worthwhile, however, to walk in and out of their classrooms for a few minutes at a time during those first 2 months. This lets them know that you "manage by walking around" and that you are interested in what they are doing. Make sure you smile when you come and go. Also, leave a friendly note in their mailboxes. Everyone appreciates a "Way to go" at any time. New staff are especially appreciative.

It is a good idea to use a clinical evaluation format when working with new staff. The clinical format is very simple: (1) meet with the teacher before you observe, (2) observe, then (3) meet with the teacher after the observation. If you did not have the opportunity to have the new teacher do a demonstration lesson as part of the hiring process, this will be your first opportunity to see the new teacher deliver a full lesson. Taking advantage of this opportunity will be to your own benefit as well as the new teacher's benefit.

During the preobservation meeting, let the teacher know what you have been observing while walking around the building and walking in and out of his or her class. Emphasize the positive and avoid the negative at this stage in the process. Your intent here is to set the teacher at ease and to let him or her know what will happen next.

For the first observation, watch the teacher teach a main subject. You might want to choose reading for elementary teachers and English or language arts for secondary teachers. Start by asking the teacher when he or she teaches

FIGURE 10-3
Suggested Topics for a Special Education Staff Manual

1. Referrals for Evaluation (general multidisciplinary evaluation form; forms for speech/language, vision, hearing, occupational therapy, physical therapy, assistive technology, behavior management, psychiatric, medical diagnostic, reading, and English-as-a-Second-Language referral forms).
2. Permissions to Evaluate (initial and reevaluation).
3. Parents' Procedural Safeguards.
4. Letters of Invitation to Meetings.
5. Placement Notices.
6. Individualized Education Program (IEP) Form(s).
7. Extended School Year (ESY) Form(s).
8. State- and/or District-Wide Accommodation/Modification/Exemption from Testing Form(s).
9. Special Education Report Card Form(s).
10. Shell of Reevaluation Form (a form containing all of the categories of information needed while performing a reevaluation).
11. Input Forms (parents,' teachers,' and specialists' input into initial evaluations, reevaluations, or annual IEPs).
12. Budgeting and Purchase Order Forms.
13. Curricular Accommodations for Special Education Students.
14. Other Specialized Special-Education-Related Forms That Pertain to Functions Specific to Your State or District.
15. Photocopies of Sections of the Federal and State Laws and Regulations Pertinent to a Special Education Teacher's Regular Practice. Examples include laws, regulations, and case law relating to
    a. Confidentiality of information and records.
    b. Criteria for identification or continued identification of students.
    c. Mediation and due process criteria and procedures.
    d. IEP composition, revision, and implementation.
    e. Discipline issues.
    f. Extended school year criteria and programming.
    g. Homebound instruction.
    h. Change of placement issues.
    i. Grouping and class size.
    j. Private school placement.

reading, English, or language arts. After choosing a date and time, explain what you will be observing during the visit. Give the teacher a copy of the blank observation/evaluation form that is used to record data and write up the observation/evaluation document. There should be no surprises, and the teacher will be familiar with the follow-up documents he or she will receive afterward. Ask that the teacher provide you in advance with a seating chart, a copy of any photocopied instructional materials, copies of any texts, and a briefing sheet. The briefing sheet contains information that may be pertinent to particular students, such as medical issues, behavioral issues, and instructional issues. If possible,

try to establish a date and time for the postobservation meeting—the closer to the observation date the better. (Observation information becomes stale after a few days.) Always close the meeting with a smile and a handshake.

Make every effort to arrive on time for the observation, and try to stay for the entire period. Make sure that you have seen the entire cycle of a lesson: opening, middle, and closing. You will want to see how well the students have stayed with the teacher's instruction and how many different strategies and teaching techniques the teacher has demonstrated during the lesson. You should be especially interested in observing the following:

1. How the teacher deals with discipline problems.
2. How transitions are made from one activity to another.
3. How the teacher uses media (e.g., chalkboard, overhead projector, handouts, textbooks).
4. How the teacher moves around the room.
5. How the teacher asks questions and provides processing time.
6. How the teacher accommodates for students who have physical impairments (i.e., vision, hearing, motor).
7. How the teacher has grouped the students.
8. How the teacher uses instructional time (i.e., time-on-task).
9. Whether or not the teacher has established rapport with the students.
10. Whether or not the teacher has provided effective and sufficient guided-practice materials and whether these materials are adapted to individual student needs.
11. Whether or not the teacher demonstrates any interesting or innovative practices.

If you have not already established a time to conduct the postobservation meeting, leave a note on the teacher's desk thanking him or her for the opportunity to observe, and establish a date and time to meet.

The postobservation meeting should occur in your office. This diminishes the chance for interruptions by others. Between the observation and the postobservation meeting, make every effort to type your remarks on your computer. Then you can print out this write-up to guide you through the meeting.

Always start the meeting with some small talk to establish rapport. Begin with the things that you found positive about the lesson. If there were not many, talk about the students and their diagnosed problems. Then invite the teacher to provide his or her insights about the students. Try to make all postobservation meetings as formative as possible. Instead of criticizing a teacher for not doing this or that, talk about best practice and when you saw the teacher executing best practice. If you saw any glaring errors or omissions, save those until the end. Do not end, however, on a negative note. Thank the teacher for his or her efforts and state that you will help the teacher improve through one or more of the following methods:

1. Consultation with the teacher's mentor.

2. Consultation with a curriculum specialist and/or a regional or county consultant.
3. Sending the teacher to inservice training.
4. Giving or loaning the teacher a book, handout, or video about a particular subject.
5. Suggesting that the teacher visit one or more Web sites.

Please keep in mind that these methods of growth and improvement are not only for teachers who need help but also for those who are interested in more general and developmental professional growth. All teachers should have a professional growth agenda whether they be rookies or veterans.

Observation and Professional Development of Veteran Employees

You will probably want to take a different approach to observation and professional development planning for veteran teachers. Take a gradual, sequential approach to observations. After making your first observation, you will have a good sense of the teacher's skill level. If the teacher is an unskilled "rookie," you should plan subsequent clinical observations or turn these over to the new teacher's mentor. Additional clinical sessions may be required to move the teacher from the level of "rookie" to "highly competent teacher." During the first postobservation session, alert the teacher to the particulars of the teaching model you are using and the kinds of teaching preparation and instructional procedures you favor. Try to stick with basic items such as the following:

1. Basic behavior management principles (e.g., emphasis upon the positive; management by walking around; use of nonverbal cues; student decision-making procedures; data-collecting procedures; student self-monitoring; choosing rewards in a way that minimizes satiation; "planned ignoring").
2. Transitioning between discrete activities.
3. Effective use of various media.
4. Distribution, level of difficulty, and processing time for questions.
5. Accommodations for physical impairments.
6. Student grouping.
7. Maximization of instructional time (time-on-task).
8. Student motivation and teacher–student rapport.
9. Individual lesson sequencing (i.e., opening, review, instruction, individual or group practice, closing) and multiple lesson sequencing (i.e., introductions to new materials, guided practice sessions, mastery learning outcomes).
10. Materials adaptations.
11. Specific teaching techniques that provide greater teaching/learning efficiency and effectiveness.

If you are lucky, you have someone in the district who is in charge of teacher development. Perhaps there is already an established development

program that would involve instruction in the areas just listed, plus others. Through training sessions and formative observations, the new and almost-new teachers will be educated through readings, videotapes, and live demonstrations on effective instructional practice. Of course, if you do not have such a person and program, you will need to do these things yourself. This might seem like a lot for the principal to do. However, if you take it one step at a time you can get it done.

Your program will be only as good as your staff is capable. Putting your energies into the items mentioned here, but at the same time neglecting the supervision of instruction, is self-defeating. The more time you spend on better classroom instruction and behavior management, the less time you will have to spend dealing with parents who are angry that their children are not receiving high-quality instruction or with students who are discipline problems.

Once you have developed staff whom you consider to be competent in all of the basics, you are ready to deal with these veteran staff in a different manner. You might feel you can abandon the clinical model for the "walk-in " approach. By doing that, you are saying that they have progressed to such an extent that you no longer have questions regarding their basic competencies and trust that they do a good job. Therefore, you will observe them only occasionally, except for the one formal evaluation per year that all districts usually require. At the same time, have them invite you in to see the activities that are going on in their classrooms when they are having something special. This is a great opportunity for staff to be creative and receive recognition. Also, when possible, try to have them receive some publicity for their accomplishments in the building's bulletin, the district's publications, and/or the local press.

Regarding professional development for veteran staff, if your district does not already require each teacher to keep an outcome record of his or her professional development activities, you should initiate this procedure in your building. This is not an onerous burden. It is a record-keeping task that is done by each teacher (see Figure 10-4). For example, teachers can keep their own tracking sheets during the course of the year. Every time they watch an educational video, attend an inservice session, attend a minicourse or university course, read an educationally related book and implement an idea contained therein, or a combination of any of the above, they mark this on their professional development log sheets. These are handed in to you periodically for review. You can reward staff who have worked hard at improving themselves by providing them with release time to participate in additional development activities, along with some professional development money to spend on these activities.

Conclusion

Being the instructional leader in your school brings daily challenges. It is a responsibility that is complex, and it involves mostly problem-solving skills. Success for all can be maximized, however, by good planning and preparation. It is especially important when dealing with special education. This is where your leadership is crucial—to calm the emotional waters, resolve conflicts, allay fears, and plot the course for each student's success in school. Nothing you can do is more important.

FIGURE 10-4
Professional Development Log Sheet

Teacher: _____

School Year: _____

Date: _____

Activity: _____

_____

_____

Implementation: _____

_____

_____

_____

_____

_____

_____

_____

Follow-Up Activities and Results: _____

_____

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APPENDIX

Additional Resources

Chapter One: Introduction

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Chapter Two: Special Education Law

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Chapter Three: Individualized Education Programs

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http://www.nncc.org/guidance/guide/disc.page.html (guidance and discipline)

http://www.cec.sped.org/bk/focus/specfoc.htm (discipline: behavior intervention)

http://www.quasar.ualberta.ca/ddc/incl/intro.htm (inclusion and practical comments from teachers about behavioral strategies, plus resource section)

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